Reg. No. M-1.

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY.

Published by Authority.

No. 25] MADRAS, MONDAY, NOVEMBER 3, 1919. [Price, 6 pies.

PUBLIC DEPARTMENT.

NOTIFICATION.

FORT ST. GEORGE, THE 3RD NOVEMBER 1919.

No. 276.—A temporary vacancy having occurred in the office of an Ordinary Member of the Council of the Presidency of Fort St. George, consequent on the grant of leave to the Honourable Mr. LIONEL DAVIDSON, Companion of the Most Exalted Order of the Star of India, and no person conditionally appointed to succeed thereto being present on the spot, His Excellency the Governor in Council has been pleased to supply such vacancy, under the provisions of section 92 of the Government of India Act, 1915 (5 & 6 Geo. 5, c. 61), by the appointment of Mr. ARTHUR ROWLAND KNAPP, Commander of the Most Excellent Order of the British Empire, to be a Temporary Member of Council.

Mr. ARTHUR ROWLAND KNAPP, Commander of the Most Excellent Order of the British Empire, has, on the afternoon of this day, taken upon himself the execution of his office under the usual salute.

(By order of His Excellency the Governor in Council)

R. A. GRAHAM,
Acting Chief Secretary.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Regd. No. 1—M.

THE FORT ST. GEORGE GAZETTE.

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CONTENTS.

PAGE

Bill No. 4 of 1919.—The Madras District Municipalities Bill, 1919, with Statement of Objects and Reasons .. 1
Bill No. 3 of 1919.—A Bill to amend the Malabar Land Registration Act, 1905, with Statement of Objects and Reasons 171

Supplement—
Bill No. 4 of 1919.—The Madras District Municipalities Bill, 1919, with Statement of Objects and Reasons—(Tamil, Telugu and Hindustani)
Bill No. 3 of 1919.—A Bill to amend the Malabar Land Registration Act, 1905, with Statement of Objects and Reasons—(Tamil and Malayalam).

Bills to be introduced into the Council of the Governor of Fort St. George for the purpose of making Laws and Regulations.

Under rule 53 of the rules for the conduct of business at meetings of the Council, the following Bills, together with the Statements of Objects and Reasons, are published for general information:—

No. 4 of 1919.

THE MADRAS DISTRICT MUNICIPALITIES BILL.

TABLE OF CONTENTS.

PREAMBLE.

PART I.

CHAPTER I.—PRELIMINARY.

Section
1. Title and extent
2. Repeal of enactments.
3. Definitions.

PART II.—ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT MUNICIPALITIES.

CHAPTER II.—CREATION AND ABOLITION OF MUNICIPALITIES.

4. Creation of municipalities.
5. Abolition of municipalities.

CHAPTER III.—CONSTITUTION OF MUNICIPAL AUTHORITIES.

Authorities.

6. The municipal authorities and their incorporation.
7. Constitution of council.
8. The chairman and vice-chairman of the municipality.

Section

Functions of the several authorities

The Chairman.

9. Functions of the chairman.
10. The chairman to be member of every committee of the council.
11. Emergency powers of chairman.
12. Salary of chairman.
13. Leave of paid chairman.
14. Service regulations of paid chairman.
15. Delegation of powers.

The Council.

16. Functions of the council.
17. Duties and powers of individual councillors.
18. Council's power to call for records.
19. Obligation of the chairman to carry out council's resolutions.
20. Rules and regulations for proceedings of council.
21. Joint committees of two or more councils or other local bodies.
22. Vacancies in office of chairman or councillor.
23. Presidency of council.
24. Right of certain officers to address council.
25. Councillors when to abstain from taking part in discussion and voting.
26. Power of chairman, vice-chairman or councillor to resign.
27. Acts of municipal council, etc., not to be invalidated by informalities.

Administration report.

28. Annual administration report.

Controlling authorities.

29. Power of Local Government and Collector for purposes of control.
30. Collector's power to enforce execution of resolutions.
31. Power to suspend action under Act.
32. Emergency powers of Collector.
33. Local Government's power to appoint officers to supervise municipalities.
34. Local Government's power to undertake works for, or to take action in default of, a municipality.
35. Local Government's power to remove councillor.
36. Local Government's power to cancel by-laws and regulations.
37. Local Government's power to supersede council.
38. Powers of officers acting for, or in default of, municipality, and liability of municipal fund.

CHAPTER IV.—ELECTION AND APPOINTMENT OF COUNCILLORS.

Elections.

39. Power to divide municipality into wards.
40. Publication of electoral roll.
41. Personal and representative voting.
42. General qualifications to vote.
43. Personal qualifications to vote.
44. Qualifications to vote as representative.
45. Disqualifications of voters.

Qualifications for membership of council.

46. Qualification of candidates.
47. Disqualification of candidates.
48. Disqualification of councillors.
49. Decision of questions of disqualification of councillors by District Judge.

Election offences.

50. Bribery.
51. Undue influence.
52. Fraudulent voting and personation.
53. Infringement of secrecy of election.
54. Offences by polling officers.
55. Falsifying result of election.
56. Procedure before magistrate.
57. Order of disqualification.

Section

CHAPTER V.—POWERS OF MUNICIPAL AUTHORITIES IN RESPECT OF PROPERTY, CONTRACTS ESTABLISHMENT.

Property.

58. Vesting of public streets and appurtenances in the municipal corporation.
59. Collected sewage, etc., to belong to municipal corporation.
60. Power of Board of Revenue to transfer control of endowments to municipal corporation.
61. Inventory of municipal property.
62. Limitation of power to accept property in trust.
63. Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.
64. Delegation of authority to contract and contractual powers of persons appointed by Government.
65. Mode of executing contracts.

Establishment.

66. Establishment schedule.
67. Modifications of establishment schedule.
68. The Secretary, the Health Officer, the Engineer.
69. The Secretary's functions.
70. Filling up of superior appointments.
71. Filling up of inferior appointments.
72. Power of council to frame service regulations.
73. Power to punish municipal officers or servants.
74. Power to grant leave to establishment.
75. Special provisions regarding Government servants lent to corporation.

PART III.

CHAPTER VI.—TAXATION AND FINANCE.

76. Enumeration of ordinary taxes and power of control of Local Government.
77. Special taxation.
78. Notification of new taxes and tolls.

The property tax.

79. Description and classes of property tax.
80. Method of assessment of property.
81. General exemptions.
82. Special exemptions and alternative basis of taxation.
83. Property tax a first charge on property.
84. Payment of property tax in half-yearly instalments.
85. Vacancy remission.
86. Obligation of transferor and transferee to give notice of transfer.
87. Owner's obligation to give notice of construction or reconstruction of building.
88. Owner's obligation to give notice of demolition of building and liability on failure.
89. Chairman's power to call for information and to enter upon premises.

Tax on companies.

90. Taxation of companies on their capital.

Profession tax.

91. Licence tax on professions.
92. Liability of members of firm or undivided Hindu family to profession tax.

Provisions common to companies and profession tax.

93. Payment when due and notice of prosecution for failure to pay.
94. Requisition on sweer or occupier to furnish list of persons liable to tax.
95. Requisition on employers or their representatives to furnish such list.

Tax on carriages and animals.

96. General provisions regarding tax on carriages and animals.
97. Liability to tax according to period for which carriage or animal has been kept.
98. Exemptions.
99. Composition.
100. Forms to be sent to and returned by tax-payers.
101. Grant of licence on payment of tax.
102. Power to require numbers to be affixed to bicycles, etc.

Section

Tax on carts.

103. General provisions regarding cart-tax.
104. Power to remit tax.

Powers to seize carriages and carts not bearing numbers.

105. Seizure of vehicles not bearing numbers.

Tax on servants.

106. General provision regarding servants' tax.
107. Power to call for lists of servants.

Tolls.

108. General provisions for tolls on vehicles and animals.
109. (1) Construction of toll-bars and collection of tolls.
(2) Composition.
110. Procedure in case of non-payment of toll.
111. Attempts to evade payment of tolls.
112. Table of tolls.

Surcharge on the income-tax.

113. Assessment and recovery of surcharge on income-tax.

General provisions regarding taxation and finance.

114. Power to exempt from taxes or tolls.
115. Council's power to write off irrecoverable taxes and tolls.
116. Definition of municipal fund.
117. Budget estimate.
118. Control of Local Government over municipal budget.
119. Appointment of auditors of accounts.
120. Payment of remuneration to auditors.
121. Contributions to expenditure by other local authorities.
122. Objects not provided for by this Act.
123. Application of Schedule IV.

PART IV.—PUBLIC HEALTH—SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Water-supply.—Vesting of works and powers of municipal authorities.

124. Vesting of works in municipal corporations.
125. Construction and maintenance of water-works.
126. Trespassing on premises connected with water-supply.

Supply for domestic use.

127. Corporation to provide water for domestic use.
128. Control over house-connexions.
129. Private water-supply for consumption and domestic use and powers of chairman to enforce provision of water-supply.

Private water-supply for non-domestic purposes.

130. Chairman's power to supply water for non-domestic purposes at rates fixed by council.

Supply beyond limits of municipality.

131. Supply without the municipality.

Cutting off water-supply.

132. Power to cut off water-supply.
133. Non-liability of corporation for reduction or stoppage of supply in certain cases.

Lighting.

134. Provision for lighting public streets.

Public drainage.

135. Maintenance of system of drainage by corporation.

Private drainage.

136. Control over house-drains, privies and cess-pools.
137. Connexion of house-drains with public drains.
138. Chairman may close or limit the use of existing private drains.
139. Power of chairman to drain premises in combination.

Section

Private drainage—cont.

140. Rights of owners and occupiers of premises to carry drains through land belonging to other persons.
141. Chairman may authorize person other than the owner of a drain to use the same or declare him to be a joint owner thereof.
142. Building, etc., not to be erected without permission over drains.
143. Construction of culverts or drain coverings by owner or occupier.
144. Maintenance of troughs and pipes for catching water.

Public latrines.

145. Provision of public latrines and urinals.

Private latrines.

146. Provision of latrines by owner or occupier.
147. Provision of latrines for labourers.
148. Provision of latrines for markets, cart-stands and cattle-sheds
149. Latrines to be screened from view and kept clean.

General powers.

150. Power to carry wire, pipes, drains, etc., through private property subject to causing as little inconvenience as possible and paying for direct damage.
151. Prohibition against making connexion with mains without permission.
152. Power to require railway level to be raised or lowered.
153. Powers in respect of works outside the municipality.

CHAPTER VIII.—SCAVENGING.

154. Municipality to arrange for the removal of rubbish and filth.
155. Cleansing of private latrines, etc.
156. Provision of receptacles for filth.
157. Scavenging on occasions of fairs and festivals and contribution from persons having control over places of pilgrimage.
158. Prohibition of improper disposal of carcasses, rubbish and filth.
159. (1) Prohibition of failure to deposit filth in receptacle, etc.
(2) Prohibition against keeping filth on premises too long, etc.
Magistrate may direct that person shall accept municipal service.
160. Prohibition against allowing outflow of filth.
161. Prohibition against using any cart without cover in the removal of filth, etc.
162. Prohibition against throwing rubbish or filth into drains

CHAPTER IX.—STREETS

Public streets.

163. Maintenance and repair of streets.
164. Powers of municipal authorities.
165. Power to dispose of permanently closed streets.
166. Acquisition of land and buildings for improvement of streets.
167. Defining the regular line of a street.
168. Buildings not to be constructed within regular lines without permission
169. Setting back projecting buildings or walls.
170. Setting buildings forward to improve line of street.
171. Projected streets.
172. Watering of streets.
173. Temporary closure of streets.
174. Protection of appurtenances and materials of streets
175. Power of municipality to recover expenses caused by extraordinary traffic.

Private streets.

176. Making of new private streets.
177. Alteration or demolition of street made in breach of section 176.
178. Power of chairman to order work to be carried out or to carry it out himself in default.
179. Right of owners to require street to be declared public.

Encroachment on streets.

180. Prohibition against obstructions in or over streets.
181. Prohibition and regulation of doors, ground-floor windows and bars opening outwards
182. Removal of encroachments.
183. Power to allow certain projections and erections.
184. Precautions during repair of streets.
185. Prohibition against removal of bars and lights.

Section

Encroachment on streets—cont.

186. Prohibition against making holes and causing obstruction.
187. Licence for work on buildings likely to cause obstruction.
188. Clearing of debris of fallen houses, etc., by occupiers.

Naming of streets.

189. Naming of public streets.

Numbers on buildings.

190. Numbering of buildings.

CHAPTER X.—BUILDING REGULATIONS.

General powers.

191. Building rules.
192. Building site and construction or reconstruction of buildings.
193. Power of council to regulate future construction of certain classes of buildings in particular streets or localities.
194. Buildings at corner of streets
195. Prohibition against use of inflammable materials for buildings without permission.
196. Prohibition against constructing doors, ground-floor windows and bars so as to open outwards

Masonry buildings.

197. Application to construct or reconstruct masonry building.
198. Necessity for prior approval of site.
199. Prohibition against commencement of work without permission.
200. Period within which chairman is to signify approval or disapproval.
201. Period within which chairman is to grant or refuse to grant permission to execute work
202. Reference to council if chairman delays grant or refusal of approval or permission.
203. Grounds on which approval of site, for, or licence to construct or reconstruct masonry building, may be refused.
204. Special powers for suspending or granting permission to construct masonry buildings.
205. Lapse of permission if not acted upon within one year.
206. Inspection by chairman.
207. Power of chairman to require alteration of work.
208. Stoppage of work endangering human life.

Wells.

209. Application of certain sections to wells.

Huts.

210. Application to construct or reconstruct huts.
211. Prohibition against commencement of work without permission.
212. Period within which chairman is to grant or refuse to grant permission to execute the work.
213. Reference to council if chairman delays passing orders.
214. Grounds on which permission to construct or reconstruct hut may be refused.
215. Lapse of permission if not acted upon within six months.

External walls, alterations and additions.

216. Maintenance of external walls in repair.
217. Application of provisions to alterations and additions.

Powers of the chairman.

218. Demolition or alteration of building work unlawfully commenced, carried on or completed.

Exemptions.

219. Exemptions.

CHAPTER XI.—NUISANCES

Dangerous structures, trees and places.

220. Precautions in case of dangerous structures.
221. Precautions in case of dangerous trees.
222. Precautions in case of dangerous tanks, wells, holes, etc.
223. Precautions against fire.

Section

Control over waters, etc.

224. Prohibition of construction of wells, tanks, etc., without the chairman's permission.
225. Filling in of pools, etc., which are a nuisance.
226. Regulation or prohibition of certain kinds of cultivation.
227. Cleansing of insanitary private tank or well used for drinking.
228. Duty of corporation in respect of public well or receptacle of stagnant water.
229. Prohibition against or regulation of washing animals or clothes or fishing or drinking in public water-courses, tanks, etc.
230. Prohibition against defiling water of tanks, etc., whether public or private

Control over abandoned lands, unfenced hedges, etc.

231. Untenanted buildings or lands.
232. Removal of filth or noxious vegetation.
233. Fencing of buildings or lands and pruning of hedges and trees.

Control over insanitary buildings.

234. Lime-washing and cleansing of buildings.
235. Further powers with reference to insanitary buildings.
236. Buildings unfit for human habitation.
237. Abatement of overcrowding in dwelling-house or dwelling-place.

Control over certain animals.

238. Prohibition against feeding certain animals on filth.
239. Prohibition against keeping animal so as to be a nuisance or dangerous.
240. Power to destroy stray pigs and dogs.

General.

241. Power of chairman to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier.
242. Limitation of compensation.

CHAPTER XII.—LICENCES AND FEES.

General provision as to licences.

243. Exemption of Government from taking out licences.
244. Licences for places in which animals are kept.
245. General powers of control over stables, cattle-sheds and cow-houses.
246. Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house.
247. Provision of public cattle-stands and sheds.
248. Purposes for which places may not be used without licence.
249. Prohibition against erection without permission of machinery which may cause nuisance
250. Powers to prohibit working of factory by night and using rice-husk, etc., for fuel.
251. Prohibition of the use of steam-whistle or steam-trumpet without permission.

Slaughtering.

252. Provision of municipal slaughter-houses.
253. Licence for slaughter-houses.
254. Slaughter of animals during festivals and ceremonies.
255. Slaughter of animals for sale as food

The milk trade.

256. Regulation of milk trade.

Markets, butchers, fishmongers, hackers.

257. Public markets.
258. Powers in respect of public markets
259. Chairman's control over public markets.
260. Licensing of private markets.
261. Sale in unlicensed private market.
262. Powers of council in respect of private markets.
263. Suspension or refusal of licence in default
264. Prohibition against nuisances in private markets.
265. Power to close private markets.
266. Duty of expelling lepers, etc., from markets and power to expel disturbers.
267. Butcher's, fishmonger's and poulterer's licence.
268. Power to prohibit or regulate sale of articles in public streets.

Section

Inspection of places for sale, etc.

269. Duty of chairman to inspect.
270. Powers of chairman for purposes of inspection.
271. Preventing inspection by chairman.
272. Power of chairman to seize diseased animal, noxious food, etc.
273. Removing or interfering with article seized.
274. Power to destroy article seized.
275. Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

Disposal of dead.

276. Registration or closing of ownerless places for disposal of dead.
277. Licensing of places for disposal of dead.
278. Provision of burial and burning grounds and crematoria within or without municipality.
279. Register of registered, licensed and provided places and prohibition of use of other places
280. Report of burials and burnings.
281. Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.
282. Prohibitions in respect of corpses.
283. Gravediggers' licence.

CHAPTER XIII.—VITAL STATISTICS AND THE PREVENTION OF DISEASE

Vital statistics.

284. Compulsory registration of vital statistics.

Dangerous disease.

285. Definition of 'dangerous disease.'
286. Obligation of medical practitioner or owner or occupier of house to report dangerous disease.
287. Power of entry into suspected places.
288. Disinfection of buildings and articles
289. Provision of places for disinfection and power to destroy infected articles.
290. Prohibition against transfer of infected articles.
291. Power of council to prohibit use of water likely to spread infection.
292. Chairman may order removal of patients to hospital.
293. Prohibition against infected person carrying on occupation.
294. Prohibition against diseased person entering public conveyance.
295. Letting of infected buildings.

Smallpox.

296. Compulsory vaccination.
297. Obligation to give information of smallpox.
298. Prohibition of inoculation for smallpox.

PART V.—SUBSIDIARY LEGISLATION AND PENALTIES

CHAPTER XIV.—RULES, BY-LAWS AND REGULATIONS

Rules and schedules.

299. (1) Power of Local Government to frame forms and make rules.
(2) Power of persons conducting election and other inquiries.
300. Effect of schedules.
301. Power of Local Government to amend and cancel schedules.

By-laws.

302. Power of council to make by-laws.
303. Power to give retrospective effect to certain by-laws.
304. By-laws to regulate alterations of buildings.
305. Penalty for breaches of by-laws.
306. Confirmation of by-laws by Local Government.
307. Conditions precedent to making of by-laws.

Publication of rules, by-laws and regulations.

308. Copies of Act, rules and by-laws to be sold at municipal office.
309. Publication of regulations.

Section

CHAPTER XV.—PENALTIES.

310. General provisions regarding penalties specified in the schedules.
311. Penalty for acting as councillor when disqualified.
312. Penalty for acquisition by municipal officer of interest in contract or work.
313. Penalty for omission to take out licence for vehicle or animal.
314. Penalty for unlawful building.
315. (1) Notice to scavengers before discharge.
(2) Penalty for withdrawal of scavengers without notice.
(3) Application of sub-sections (1) and (2) to other municipal servants
316. Wrongful restraint of chairman and his delegates.
317. Penalty for not giving or giving false information.

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and permissions.

318. General provisions regarding licences and permissions.

Appeals.

319. Appeals from chairman to council.
320. Limitation of time for appeal.

Chairman's power to summon.

321. Summons to attend and give evidence or produce documents

Notices, etc.

322. Form of notices and permissions.
323. Signature on documents.
324. Publication of notifications.
325. Publication of by-laws, notices, orders, etc.
326. Notice of prohibitions or setting apart of places.
327. Method of serving documents.

Relation of occupier to owner.

328. Recovery by occupier of sums leviable from owner.
329. Obstruction of owner by occupier.
330. Execution of work by occupier in default of owner.

Chairman's power of entry and inspection.

331. Powers of entry to inspect, survey or execute the work.
332. Power of entry on lands adjacent to works.
333. Inspection and stamping of weights and measures

Power to enforce licensing provisions, orders, etc.

334 Consequences of failure to obtain licences, etc., or of breach of the same.
335. Time for complying with order and power to enforce in default
336. Recovery of expenses from persons liable and limitation of liability of occupier.
337. Relief to agent and to trustees.

Payment of compensation, etc., by and to the municipality.

338 Power of municipality to pay compensation.
339. Recovery of sum due as taxes.
340. Limitation for recovery of dues.
341. Procedure in dealing with surplus sale-proceeds.
342. Persons empowered to prosecute.
343. Imprisonment in default of payment and application of fines.
344. Payment of compensation for damage to municipal property.

Legal proceedings.

345. Institution of suits against municipal authorities, officers and servants.
346. Provisions respecting institution, etc., of civil and criminal actions and obtaining of legal advice.
347. Indemnity to municipal authorities, officers and agents.
348 Liability of chairman and members for loss, waste or misapplication
349. Assessments, etc., not to be impeached.

Police.

350. Duties of police officers.
351. Power of police officers to arrest persons.
352. Exercise of powers of police officer by municipal servants.

Section.

Miscellaneous

353. Application of term 'public servant' to municipal officers, agents and sub-agents.
354. Prohibition against obstruction of municipal authorities, servants and contractors.
355. Prohibition against removal of mark.
356. Prohibition against removal or obliteration of notice.
357. Prohibition against unauthorized dealings with public place or materials.

Local Government's power of delegation.

358. Delegation of powers by the Local Government.

Transitional and transitory provisions.

359. Passing of property and rights to municipality as reconstituted.
360. Commencement of Act.
361. Continuance in office of present chairmen and councillors
362. Procedure for recovery of arrears of taxes, etc.

SCHEDULES.

Schedule I.—Enactments repealed.
Schedule II.—List of hill stations.
Schedule III.—Rules regarding proceedings of the council.
Schedule IV.—Taxation and Finance rules
Schedule V —Purposes for which premises may not be used without a licence under section 243.
Schedule VI.—List of dangerous diseases.
Schedule VII.—Ordinary penalties.
Schedule VIII.—Penalties for continuing breaches.

THE MADRAS DISTRICT MUNICIPALITIES BILL.

A BILL TO CONSOLIDATE AND AMEND THE LAW RELATING TO DISTRICT MUNICIPALITIES.

Preamble.—Whereas it is expedient to consolidate and amend the law relating to district municipalities in the Presidency of Madras: it is hereby enacted as follows:—

PART I.

CHAPTER I.—PRELIMINARY.

Title and extent.

1. (1) This Act may be called the Madras District Municipalities Act, 1919.

(2) It extends to the territories for the time being administered by the Governor in Council of Fort St. George and situated beyond the City of Madras as defined in the Madras City Municipal Act, 1919.

Repeal of enactments.

2. The enactments mentioned in schedule I are repealed to the extent specified in the fourth column thereof.

Definitions.

3. In this Act unless there is anything repugnant in the subject or context—

[New] "Appoint." (1) "Appoint" includes to appoint temporarily or in an officiating capacity.

[New] "Appointment." (2) "Appointment" includes temporary and officiating appointments.

[3 (i)] "Building." (3) "Building" includes a house, out-house, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever.

*[City Act, 3 (4)] "Building-line." (4) "Building-line" means a line which is in rear of the street alignment as defined in this section, and to which the main wall of a building abutting on a street may lawfully extend.

[New] "Carriage." (5) "Carriage" includes any wheeled vehicle with springs or other appliances acting as springs; and all kinds of motor-cars motor-lorries, motor-omnibuses, motor-cycles, bicycles, tricycles, rickshaws and palanquins.

[New] "Cart." (6) "Cart" includes any wheeled vehicle which is not a "carriage".

[3 (ii)] "Company." (7) "Company" means a company registered under the Indian Companies Act, 1913, or under the Acts of Parliament known under the collective title of the

* The marginal references hereand elsewhere to the "City Act" is to the Madras City Municipal Act, 1919

Companies Acts or incorporated by an Act of Parliament or of the Governor-General in Council or by Royal Charter or Letters Patent.

"Filth." (8) "Filth" includes sewage, night-soil, dung, dirt, putrid and putrifying substances and all offensive matter. [City Act, 3 (21) and (24)]

"Hill-station." (9) "Hill-station" means a place specified in schedule II. [New]

"Hut." (10) "Hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the council may declare to be a hut for the purposes of this Act. [New]

"Inhabitant." (11) "Inhabitant" means any person who shall have been ordinarily residing in any municipality for a period of six months or upwards. [3 (vii)]

"Latrine." (12) "Latrine" includes privy, water-closet and urinal. [3 (ix)]

"Masonry building." (13) "Masonry building" means any building other than a hut. [New]

"Municipal office." (14) "Municipal office" means the principal office of any municipal corporation. [City Act, 3 (18)]

"Occupier." (15) "Occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used. [City Act, 3 (20)]

"Owner." (16) "Owner" includes (*a*) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, manager or receiver for another person, or for any religious or charitable purpose the rent or profits of the property, in connexion with which the word is used, (*b*) the person for the time being in charge of the animal or vehicle, in connexion with which the word is used. [3 (xix)]

"Palanquin." (17) "Palanquin" includes tonjons, manchils and chairs carried by men by means of posts, but not slings or cots used for the conveyance of children or aged or sick people [3 (xx)]

"Prescribed." (18) "Prescribed" means prescribed by the Governor in Council by rules made under this Act. [New]

"Private street." (19) "Private street" means any street, road, square, court, alley, passage or riding-path, which is not a "public street" but does not include a pathway [City Act, 3 (26)]

made by the owner of premises on his own land to secure access to or the convenient use of such premises.

"Public land."

(20) "Public land" means all such properties of the Government as may from time to time be notified by the Governor in Council as "public land" for the purpose of this Act.

"Public street."

(21) "Public street" means any street, road, square, court, alley, passage or riding-path whether a thoroughfare or not, over which the public have a right of way and includes—

[3 (xxvii)]

(*a*) the roadway over any public bridge or causeway;

[3 (xxviii)]

(*b*) the foot way attached to any such street, public bridge or causeway; and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to Government.

[3 (xxxiv)]

"Public water-courses, etc."

(22) "Public water-courses, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use.

[City Act, 3 (28)]

"Railway."

(23) "Railway" includes a tramway.

"Re-construction."

(24) "Re-construction" of a building includes—

[City Act, 3 (29)]

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical contents has been taken down or burnt down, or has fallen down whether at one time or not;

[Cf. English Public Health Act, 1907, 23]

(*b*) the re-erection wholly or partially of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any frame building which has so far been taken down or burnt down or has fallen down as to leave only the framework of the lowest storey;

(*c*) the conversion into a dwelling-house or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only or the conversion of a dwelling-house into a factory;

(*d*) the re-conversion into a dwelling house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory as the case may be;

"Residence—Reside"

(25) "Residence"—"Reside."—A person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and

a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return thereto at any time and has not abandoned his intention of returning. [New]

"Rubbish."

(26) "Rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth." [City Act, 3 (32)] [G.O. 2085 M., 9th February 1914. I.L.R., 23 Mad., 164.]

"Salary."

(27) "Salary" means pay and acting pay or payment by way of commission and includes exchange compensation allowances, but not allowances for house-rent, carriage-hire, or travelling expenses. [3 (xxiii)]

"Scavenger."

(28) "Scavenger" means a person employed in collecting or removing filth, in cleansing drains or slaughter-houses or in driving carts used for the removal of filth. [3 (xxiv)]

"Street-alignment."

(29) "Street-alignment" means a line dividing the land comprised in and forming part of a street from the adjoining land. [City Act, 3 (37)]

"Water-course."

(30) "Water-course" includes any river, stream, or channel, whether natural or artificial. [3 (xxxiii)]

"Year."

(31) "Year" means the financial year. [City Act, 3 (38)]

PART II—ESTABLISHMENT, CONSTITUTION AND GOVERNMENT OF DISTRICT MUNICIPALITIES.

CHAPTER II.—CREATION AND ABOLITION OF MUNICIPALITIES.

[6]

4. (1) The Governor in Council may by notification declare his intention— Creation of municipalities.

(a) to constitute as a municipality any town, village, hamlet, bazaar, station or other local area or any group of the same in the immediate neighbourhood of one another; or

[4-A]

(b) to exclude from a municipality any local area comprised therein and defined in such notification; or

(c) to include within a municipality any local area in the vicinity thereof and defined in such notification.

Provided that no cantonment shall be included within a municipality without the sanction of the Governor-General in Council previously obtained.

(2) Any inhabitant of a local area or taxpayer of a municipality in respect of which any such notification has been published, may, if he desires to object to anything therein contained, submit his objection in writing to the Governor in Council within six weeks from the publication of the notification and the Governor in Council shall take all such objections into consideration.

(3) When six weeks from the publication of the notification have expired, and the Governor in Council has considered the objections, if any, which have been submitted, he may, as the case may be, by notification declare to be a municipality, or exclude from or include in a municipality, the local area or any portion thereof.

[5

(4) This Act shall come into force in, or cease to apply to, any municipality or part thereof, as the case may be, on such date as may be specified in the notification under sub-section (3).

[4-B 1 (a)]

5. (1) The Governor in Council may by notification abolish any municipality established under this Act; Abolition of

Provided as follows—

(a) the Governor in Council shall, before he issues such notification, communicate to the municipal council the grounds on which he proposes to do so, fix a reasonable period for the municipal council to show cause against the proposal and consider their explanations and objections, if any;

(5) the notification shall contain a statement of the Governor in Council's reasons.

(2) From such date as may be specified in such notification, this Act and all notifications, rules, by-laws, regulations, orders, directions and powers issued, made or conferred under this Act, shall cease to apply to the area previously comprised in the municipality; the balance of the municipal fund and all other property vested in the municipal corporation shall vest in His Majesty, and the liabilities of the council shall be transferred to His Majesty's Secretary of State for India in Council. [Punjab Act, 10 (2).]

(3) All property vested in His Majesty under sub-section (2) shall be applied under the orders of the Governor in Council to discharge the liabilities imposed on His Majesty's Secretary of State for India in Council by that sub-section or for the promotion of the safety, health, welfare and convenience of the inhabitants of the area previously comprised in the municipality. [Punjab Act, 10 (3).]

CHAPTER III.—CONSTITUTION OF MUNICIPAL AUTHORITIES.

Authorities.

The municipal authorities and their incorporation.

6. (1) The affairs of a municipality shall be administered by a council and a chairman of the municipal council [8]

(2) The municipal authorities shall by the name of their municipality be a body corporate, shall have perpetual succession and a common seal and subject to any restriction or qualification imposed by this or any other enactment vested with the capacity of suing or being sued in their corporate name, of acquiring, holding and transferring property movable or immovable, of entering into contracts and of doing all things necessary for the purposes of their constitution. [21]

Constitution of council.

7. (1) The municipal council shall consist of such number of councillors as may be determined by the Governor in Council by notification:

Provided that the number of councillors shall not be less than 12 nor exceed that indicated in the following table:— [8, 9, 10, 12]

	Number of councillors.
Municipalities with a population not exceeding 20,000 at the last general census	12
Municipalities with a population of 20,001 but not exceeding 30,000.	16
Municipalities with a population of 30,001 but not exceeding 40,000	20
Municipalities with a population of 40,001 but not exceeding 50,000	24
Municipalities with a population of 50,001 or more	28

[10, 17]

(2) The councillors shall be partly appointed by the Governor in Council and partly elected by the municipal electors, as the Governor in Council may determine by notification, and shall hold office for three years:

Provided as follows—

(*a*) for a period not exceeding three years from the date of the establishment of a municipality all the councillors may be appointed by the Governor in Council;

[11, 13]

(*b*) the number of Government servants appointed to be councillors shall not exceed one-fourth of the number of councillors sanctioned for each municipality under sub-section (1) and, unless the Governor in Council otherwise directs, (in every such case the Governor in Council should record his reasons in writing and communicate them to the Council concerned), the number of persons to be elected by the municipal electors shall be not less than three-fourths of the total number of municipal councillors;

[12, proviso.]

(*c*) the Governor in Council shall before issuing any notification modifying the constitution of a municipal council communicate to the said council the grounds on which he proposes to do so, fix a reasonable period for the council to show cause against the proposal and consider their explanations and objections, if any, and the notification shall contain a statement of the reasons for modifying the constitution.

The chairman and vice-chairman of the municipality.

[14 (1)]

8. (1) Unless the Governor in Council for reasons to be communicated in writing directs otherwise every municipal council shall elect its chairman in accordance with such rules and conditions as the Governor in Council may prescribe. When such a direction is made the Governor in Council shall appoint a Chairman. Every chairman elected or appointed shall hold office for two years or such period, not being less than one year or more than five years, as the Governor in Council may direct before the election or at the time of the appointment, as the case may be.

[17]

[16 (2)]

(2) The Governor in Council may order that a salary be attached to the office of a chairman and may determine the amount thereof:

Provided that before making any such order the Governor in Council shall give the municipal council an opportunity of showing cause to the contrary and consider their objections, if any.

to

(3) No person not a councillor or qualified to be a councillor shall be elected or appointed chairman unless he has been specially exempted by the Governor in Council before the election or at the time of appointment as the case may be.

(4) When the person elected or appointed chairman is not at the time of election or appointment a councillor or ceases to be a councillor before the expiry of his term of office as chairman he shall during his term of office or the remainder thereof be ex-officio a councillor irrespective of the number of councillors fixed under section 7.

(5) When the office of chairman is elective, if the municipal council fail, without an excuse which appears reasonable to the Governor in Council, to elect a chairman within two months from the date of the order declaring the office elective, or of a vacancy, the chairman shall be appointed by the Governor in Council. [14 (2)]

(6) The municipal council may in such manner as may be prescribed by the Governor in Council elect one of their number to be vice-chairman. [14 (3)]

(7) When the office of chairman becomes vacant, the vice-chairman shall exercise the functions of the chairman until a chairman is duly elected or appointed. If there is no vice-chairman, or if the office of vice-chairman is also vacant, the Collector shall nominate a member of the council who shall assume charge of the office of chairman and exercise his functions until a chairman or vice-chairman is duly elected or appointed. [15]

Functions of the several authorities.

The Chairman.

Functions of the chairman.

9. (1) The chairman of the municipal council shall—

(*a*) make arrangements for the election of councillors, and the vice-chairman;

(*b*) convene and preside over the meetings of the council;

(*c*) carry into effect the resolutions of the council; [32 (1)]

(*d*) furnish to the council such monthly reports regarding the progress made in carrying out the resolutions of that body and in the collection of taxes as the council may direct; [32 (2)]

[City Act, 20.]
[32 (1)]
[32 (5)]

(*e*) perform all the duties and exercise all the powers specifically imposed or conferred on the chairman by this Act, and subject, whenever it is hereinafter expressly so provided, to the sanction of the council, and subject to all other restrictions, limitations and conditions hereinafter imposed, exercise the executive power for the purpose of carrying out the provisions of this Act, and be directly responsible for the due fulfilment of the purposes of this Act.

[New.]

10. The chairman shall by virtue of his office be a member of every committee of the council. The Chairman to be member of every Committee of the Council.

[32-A]

11. The chairman may in cases of emergency direct the execution of any work or the doing of any act which would ordinarily require the sanction of the council, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing of such act incurred as the emergency may require shall be paid from the municipal fund: Emergency powers of chairman.

Provided that—

(*a*) he shall not act under this section in contravention of any order of the council prohibiting the execution of any particular act, and

(*b*) he shall report the action taken under this section and the reasons therefor to the council at their next meeting.

[16 (1)]

12. No chairman shall receive any salary or other remuneration unless the payment thereof shall have been sanctioned by the Governor in Council. Salary of chairman.

[New]

13. Leave may be granted to a paid chairman for such periods and subject to such conditions as the council may determine in each case. Leave of paid Chairman.

[New.]

14. If a paid chairman is an officer in the service of the Government, the corporation shall contribute to his leave allowances, pension and provident fund to the extent required by the regulations of the Governor-General in Council for the time being in force. Service regulations of paid chairman.

[32 (3)]

15. (1) The chairman may by an order in writing delegate any of his powers or duties to the vice-chairman, provided that he shall not delegate any powers or duties which the municipal council or the Governor in Council expressly forbid him to delegate. Delegation of powers.

(2) During the temporary absence or incapacity of the chairman, the chairman's functions shall devolve on the vice-chairman, if any. If there is no vice-chairman, or if the office of vice-chairman is vacant, the chairman may, by an order in writing delegate any of his powers or duties to any councillor who shall be styled "Chairman-Delegate" during the period of delegation. [15 (2)]

Provided that—

(a) no delegation under this sub-section shall be made for any period exceeding in the aggregate ninety days in any year in the case of an unpaid chairman and fifteen days in any year in the case of a paid chairman, without the special sanction of the council, and

(b) every order made under this sub-section shall be forthwith communicated to the council, the revenue officer (if any) in charge of the division and to the district collector.

(3) The executive powers of the chairman may at all times, subject to any restriction that the Governor in Council may prescribe, be delegated to any councillor, municipal officer or servant, whom he empowers generally or specially in writing. [New]

The Council.

Functions of the council.

16. Except as in this Act otherwise expressly provided, the municipal administration shall vest in the municipal council, but they shall not exercise functions assigned by or under any law to the chairman, nor shall they exercise appellate or revisionary functions not so assigned to the council. [New; *cf.* Bombay City Act, 33 (5).] [Bo. 64 (2).]

Duties and powers of individual councillors.

17. (1) Any councillor may call the attention of the proper authority to any neglect in the execution of municipal work, to any waste of municipal property, to the wants of any locality and may suggest any improvements which may appear desirable. [New.]

(2) Every councillor shall have access during office hours to the records of the corporation after giving due notice to the chairman, provided that the chairman may for reasons given in writing forbid such access.

Council's power to call for records.

18. The council may at any time require the chairman to produce any record, correspondence, plan or other document which is in his custody.

The chairman shall comply with every such requisition unless in his opinion immediate compliance therewith would be prejudicial to the interests of the corporation or of the public in which case he shall make a declaration in writing to that effect and shall, if required by the council, refer the question to the District Collector whose decision shall be final.

[New.]

Obligation of the chairman to carry out council's resolutions.

19. The chairman shall be bound to give effect to every resolution of the council unless such resolution is modified, suspended or cancelled by a controlling authority.

[New.]

Rules and regulations for proceedings of council.

20. (1) The council shall observe the rules in Schedule III and may make supplementary regulations not inconsistent therewith or other provisions of this Act or any rules made by the Governor in Council, in regard to the following matters :—

[38]

(*a*) the time and place of their meetings;

(*b*) the manner in which notice thereof shall be given;

(*c*) the conduct of proceedings at meetings;

(*d*) the suspension of councillors for a period not exceeding one month;

(*e*) the division of duties among the members of the council;

(*f*) the appointment and procedure of committees for the superintendence and management of educational institutions, hospitals, dispensaries, choultries or other institutions maintained by the corporation;

(*g*) the appointment from among their own number of a member or a committee for the purpose of enquiring into and reporting on any matter which is reserved by this Act for the decision of the council, and the procedure to be adopted by such a member or committee;

(*h*) the appointment from among their own number of standing committees with delegated power to dispose on their behalf of matters relating to any particular branch of the administration which are reserved by this Act for the decision of the council;

[G.O. No. 1817 M., dated 3rd October 1911.]

(*i*) the persons by whom receipts may be granted for money paid to the council; and

(*j*) all other similar matters.

(2) It shall be lawful for the council from time to time by a resolution supported by not less than one-half of the whole number of councillors to appoint as members of any committee any persons of either sex who are not councillors but who may in the opinion of such council possess special qualifications for serving on such committee. But the number of persons so appointed on any committee shall not exceed one-third of the total number of members of such committee. All the provisions of this Act relating to the duties, powers, liabilities and disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground of sex, be applicable so far as may be, to such persons.

Joint committees of two or more councils or other local bodies

21. A council may from time to time join with any other council or with any local board or cantonment authority or with more than one such council, board or authority,

(i) in appointing out of their respective bodies a joint committee for any purpose in which they are jointly interested and in appointing chairman of each committee, and

(ii) in delegating to any such committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies and

(iii) in framing and modifying rules for regulating the proceedings of any such committee relating to the purpose for which the committee is appointed.

If any difference of opinion arises between local bodies acting under this section the decision thereupon of the Governor in Council or of such officer as he appoints in this behalf shall be final.

Vacancies in office of chairman or councillor.

22. (1) When the office of chairman, or councillor becomes or is about to become vacant, a new chairman or councillor shall, unless the Governor in Council otherwise directs in exercise of his powers under section 7 or section 8, be elected or appointed in the same manner in which his predecessor was elected or appointed.

(2) Out-going chairmen, vice-chairmen, and councillors shall be eligible for re-election or appointment.

(3) All elections and appointments of chairmen, vice-chairmen and members of municipal councils shall be notified in the *Fort St. George Gazette*, and their term

[G.O. No. 2362 M., dated 21st December 1907.]

of office shall begin on the date of the notification if no other date is named therein.

Presidency of council

23. (1) Every meeting of the council shall be presided over by the chairman; in his absence by the vice-chairman if there is one; where there is none, or in the absence of both the chairman and vice-chairman, by a councillor chosen by the meeting to preside for the occasion.

[(30 (1)]

[New.]

(2) The chairman shall preserve order and shall decide all points of order and procedure arising at or in connection with meetings. There shall be no discussion on any point of order and the decision of the chairman on any point of order shall, save as is otherwise expressly provided in this Act, be final.

(3) A vice-chairman or councillor presiding for the occasion shall, for that meeting, have all the powers of the chairman.

Right of certain officers to address council

24. The revenue divisional officer, the sanitary commissioner to the local Government and his deputies, the sanitary engineer to the local Government and his deputies, the civil surgeon of the district, the executive engineer of the division, the inspector and the assistant inspector of schools having jurisdiction, may, with the permission of the chairman or other person presiding, address the council on any matter affecting the general administration, sanitation, public works, or public instruction, as the case may be.

[20 (4).]

Councillor when to abstain from taking part in discussion and voting.

25. (1) No councillor shall vote on, or take part in, the discussion of any question coming up for consideration at a meeting of the council or any committee, if the question is one in which, apart from its general application to the public, he has any direct or indirect pecuniary interest by himself or his partner.

[30 (2).]

(2) The chairman may prohibit any councillor from voting or taking part in the discussion of any matter in which such person is believed to have such interest, or he may require such person to absent himself during the discussion.

(3) Such person may challenge the decision of the chairman, who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

(4) If the chairman is believed by any councillor present at the meeting to have any such pecuniary interest in any matter under discussion, he may if a

motion to that effect be carried, be required to absent himself from the meeting during such discussion

Explanation.—"Chairman" in this section includes a vice-chairman, or councillor presiding for the occasion.

Power of chairman, vice-chairman or councillor to resign.

26. (1) A chairman, vice-chairman, or councillor, may resign his office by giving notice in writing to that effect to the district collector, and on acknowledgment of such notice by the district collector, he shall be deemed to have vacated his office. [18]

(2) Any person holding a salaried office under Government who is a councillor of any municipality shall, on being transferred permanently or temporarily from the district or division wherein such municipality lies, or on quitting the district or division with the intention of remaining absent therefrom for more than three months, be deemed to have vacated his office of councillor.

Acts of municipal council, etc., not to be invalidated by informalities.

27. No act of a municipal council or of any committee or of any person acting as chairman or member of a municipal council shall be deemed to be invalid by reason only of some defect in the establishment of the municipality or in the appointment or election of the chairman or any member, or on the ground that they, or any of them, were disqualified for such office, or by reason of such act having been done during any vacancy in the municipal council. [248]

Administration Report.

Annual administration report.

28. (1) As soon as may be after the first day of April in every year and not later than such date as may be fixed by the Governor in Council, the municipal corporation shall submit to the Governor in Council through the revenue officer in charge of the division and the district collector a report on the administration during the preceding year in such form and with such details as the Governor in Council may direct. [252]

(2) The chairman shall prepare the report; the municipal council shall consider his report and forward it to the Governor in Council with their resolutions thereon, if any [G O, 1200 M, 10th August 1910.]

(3) The report shall be published in such manner as the council, subject to the approval of the Governor in Council may direct.

Controlling Authorities

[34]

29. (1) The district collector may enter on and inspect or cause to be entered on and inspected any immovable property or any work in progress under the control of any municipal corporation in his district. Power of local Government and delegate for purposes of control.

(2) The Governor in Council or the district collector may—

(*a*) call for any record, correspondence, plan, or other document in the possession or under the control of any municipal corporation;

(*b*) require any corporation to furnish any return, plan, estimate, statement, account, or statistics;

(*c*) require any corporation to furnish information or report on any municipal matter;

(*d*) record in writing, for the consideration of the council, any observations he may think proper in regard to their proceedings or duties.

(3) The Governor in Council may, by notification, authorize any public officer to exercise any one or more of the powers of a district collector under sub-sections (1) and (2).

(4) The district collector may, by a special order in writing in each case, direct the revenue officer in charge of the division to exercise any of the powers specified in sub-section (1) and in clauses (*a*), (*b*) and (*c*) of sub-section (2).

[35]

30. (1) If it appears to the district collector that the chairman of a municipality has made default in carrying out any resolution of the council, the said collector, after giving the chairman a reasonable opportunity of explanation, may by notice require him to carry out the resolution within a reasonable time specified in the notice and may, if the chairman fails to comply with the notice, assume the execution of the resolution and pass all necessary orders accordingly. Collector's power to enforce execution of resolutions.

(2) The said collector shall record his reasons in a note of which he shall forthwith forward one copy to the council for their information and another copy, together with the chairman's explanation (if any), to the Governor in Council, who may pass such further orders as he may deem fit.

31. (1) The Governor in Council or the district collector may, by an order in writing, suspend the execution of any resolution of a municipal council or of Power to suspend action under Act.

any order issued by a council or chairman or cancel such resolution or order, or suspend or cancel any licence or permission granted by a council or chairman and may prohibit the doing of any act which is about to be done or is being done in pursuance or under the colour of this Act if, in their opinion, such resolution has not been legally carried, or such [35] resolution, order or act, or the grant of such licence or permission is in excess of the powers conferred by law, or the execution of such resolution or order or the doing of such act or the continuance in force of such licence or permission is likely to cause obstruction, injury or annoyance to any person lawfully employed, or danger to human life, health or safety, or is likely to lead to a riot or affray.

(2) When the district collector makes any order under this section he shall forthwith forward a copy thereof, with a statement of his reasons for making it, to the municipal council and to the Governor in Council.

(3) The Governor in Council may thereupon rescind the order or, after giving the municipal council and, if the order affected any act of the chairman the chairman also, a reasonable opportunity of explanation, direct that it continue in force with or without modification permanently or for such period as he thinks fit.

Emergency powers of collector.

32. (1) The district collector may, in cases of emergency, direct or provide for the execution of any work, or the doing of any act which the council or chairman is empowered to execute or to do, and the immediate execution or the doing [36] of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act incurred as the emergency may require shall be paid from the municipal funds

(2) If the expense is not so paid, such collector may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against the fund.

(3) Such person shall, so far as the funds to the credit of the municipal corporation admit, be bound to comply with such order.

(4) Every case in which the powers conferred by this section are exercised shall be forthwith reported to the Governor in Council by the district collector

with the reasons in full for the exercise of such powers; and a copy of the letter shall at the same time be sent to the municipal council for information.

[254]

Local Government's power to appoint officers to supervise municipalities.

33. (1) The Governor in Council may appoint such officers as may be required for the purpose of inspecting or superintending the operations of all or any of the municipal corporations established under this Act.

[253]

(2) All schools and other institutions of an educational character and all hospitals, dispensaries, vaccine stations, choultries and other institutions of a charitable character, maintained by any municipal corporation, and all registers, books, accounts and other documents relating thereto shall at all times be open to the inspection of such officers as the Governor in Council may appoint in that behalf.

(3) Municipal authorities and municipal officers and servants shall be bound to afford to inspecting or superintending officers of Government appointed under this section such access at all reasonable times to municipal property or premises, and to all records, accounts and other documents as may, in the opinion of such officers, subject to any rules framed for their guidance under section 299 (1) (*m*) and (*t*), be necessary to enable them to discharge their duties of inspection or superintendence.

[254-A]

Local Government's power to undertake works for, or to take action in default of, a municipality.

34. (1) The Governor in Council may, with the consent of the municipal council, undertake on behalf of a municipal corporation the construction of water-supply, drainage or other works, appoint persons to carry out the construction of such works, and direct that the expense, including the pay of such persons, be paid from the municipal fund.

[37]

(2) If at any time it appears to the Governor in Council that a municipal council or chairman has made default in performing any duty imposed by or under this or any other Act, he may, by order in writing, fix a period for the performance of such duty.

(3) If such duty is not performed within the period so fixed, the Governor in Council may appoint some person to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to such person by the municipal corporation.

(4) If expenses which the Governor in Council has directed under sub-section (1) or sub-section (3) to be paid from the

municipal fund are not so paid the district collector, with the previous sanction of the Governor in Council, may make an order directing the person having the custody of the municipal fund to pay it in priority to any other charge against such fund except charges for the service of authorized loans.

(5) Such person shall, so far as the funds to the credit of the municipal corporation admit, be bound to comply with such order.

Local Government's power to remove councillor.

35. (1) The Governor in Council may, by notification, remove any chairman, vice-chairman, or councillor [19]

(*a*) if at the time of his election or appointment he was not qualified to be or was disqualified from being elected or appointed councillor; or

(*b*) if he has since become disqualified under section 48 or section 49; or

(*c*) if he refuses to act or becomes incapable of acting; or

(*d*) if he, without an excuse sufficient in the opinion of the council, neglects for more than three consecutive months to be present at the meetings of the municipal council; or

(*e*) if, in the opinion of the Governor in Council, his conduct after entering office has been such as to endanger the public peace or order or to bring the municipal administration into contempt; or

(*f*) in the case of the chairman, if he, without an excuse sufficient in the opinion of the Governor in Council, omits or refuses to carry out any resolution of the municipal council.

(2) When the Governor in Council proposes to take action under this section he shall give the chairman, vice-chairman or councillor concerned an opportunity of explanation, and shall record the reasons for any action taken.

(3) The Governor in Council may determine a period during which a chairman, vice-chairman or councillor removed under clause (*e*) shall not be eligible for re-appointment or re-election.

Local Government's power to cancel by-laws and regulations.

36. (1) The Governor in Council may at any time, by notification, repeal wholly or in part or modify any by-law or regulation made by a municipal council: [New] [City Act, 419.]

Provided that before taking any action under this sub-section the Governor in Council shall communicate to the municipal council the grounds on which he proposes to do so, fix a reasonable

period for the council to show cause against the proposal and consider their explanations and objections, if any.

(2) The repeal or modification of any by-law or regulation shall take effect from the date of publication of the notification, if no date is therein specified and shall, not affect anything done, omitted or suffered before such date.

[4-B (1), (b)]
[I.L.R., XXIX Mad., 539]

Local Government's power to supersede council.

37. (1) The Governor in Council may by notification supersede a municipal council for a specified period not exceeding two years if the council are not, in the opinion of the Governor in Council, competent to perform or persistently make default in performing the duties imposed on them by law, or exceed or abuse their powers.

Provided as follows:—

(a) the Governor in Council shall before he supersedes the council communicate to them the grounds on which he proposes to do so, fix a reasonable period for the council to show cause against the proposal and consider their explanations or objections, if any;

(b) the Governor in Council shall not supersede a portion only of the municipal council.

(2) The supersession shall take effect from noon on the date of publication of the notification, if no date is therein specified.

(3) Upon the supersession of the council the following consequences shall ensue:—

(a) All the members of the council shall forthwith vacate their offices as such and the chairman and vice-chairman (if any) shall vacate their offices if the Governor in Council so direct.

(b) All or any of the powers and duties of the municipal authorities may, during the period of supersession, be exercised and performed, as far as may be, and to such extent as the Governor in Council may determine, by such persons as the Governor in Council appoints in that behalf and any such person who is not a district collector or revenue divisional officer may, if the Governor in Council so directs, receive payment for his services from the municipal fund; the Governor in Council may determine the relations of such person with the municipal secretary (if any), with the district controlling officers and with himself; and where there

is a paid chairman the Governor in Council may direct him to exercise and perform any powers and duties of the council in addition to his own

(c) All property vested in the municipal corporation shall, during the period of supersession, vest in the Governor in Council.

(4) On or before the expiry of the period of supersession notified under sub-section (1), the Governor in Council may, by notification, for reasons to be stated in the notification, postpone the reconstitution of the council for a further period not exceeding six months, or notwithstanding anything contained in proviso (x) to section 5, sub-section (1), withdraw the area of the municipality from the operation of this Act under that section.

(5) The Governor in Council may reconstitute the council before the expiry of the period notified under sub-section (1).

(6) The Governor in Council shall, for the purpose of reconstituting the council, have the powers conferred upon him by section 7 in the case of the first establishment of a municipality.

(7) All councillors who were members of the superseded council shall be eligible for re-election or re-appointment.

(8) In lieu of superseding a municipal council on any of the grounds mentioned in sub-section (1), the Governor in Council may, if he thinks fit, by notification direct that the council be dissolved and reconstituted immediately.

(9) Upon the publication of such a notification all the members of the council shall forthwith vacate their offices as such and fresh appointments shall be made in accordance with the notification issued under section 7 (2) governing the appointment of members of the council concerned.

Powers of officers acting for, or in default of, municipality, and liability of municipal fund.

38. When the district collector or person appointed by the Governor in Council lawfully takes action on behalf or in default of the municipal corporation under this Act he shall have power to make such contracts as are necessary for the purpose, and shall be entitled to the same protection under this Act as the municipal authority whose powers he is exercising, and compensation shall be recoverable from the municipal fund by any person suffering damage from the exercise of such powers to the same extent as if the action had been taken by such municipal authority.

[254-A]
[44 (3)]
[37]

CHAPTER IV.—ELECTION AND APPOINTMENT OF COUNCILLORS.

Elections.

[New.]

Power to divide municipality into wards.

39. The Governor in Council may by notification divide any municipality into wards for the purpose of the election of councillors by ballot.

[New.]

Publication of electoral roll.

40. (1) The chairman shall annually prepare and publish an electoral roll showing the names of—

(*a*) persons qualified to vote,

(*b*) persons qualified to be elected as councillors.

(2) No person whose name does not appear in the electoral roll as qualified to vote shall vote at an election and no person whose name does not appear in the roll as qualified to be elected shall be nominated as a candidate for election.

(3) When a municipality has been divided into wards the electoral roll shall be divided into separate lists for each ward.

[New.]

Personal and representative voting.

41. The name of a person may be entered in the electoral roll as qualified to vote either in his personal capacity or in the capacity of a representative of a company, firm, association, body of two or more guardians or trustees, joint family or other body possessing joint rights, or in both capacities:

Provided that (*a*) in the case of a person claiming to be qualified to vote as representative of a body such body has given him written authority to vote on its behalf;

(*b*) a joint family may not authorize any person other than one of its members to vote on its behalf.

Explanation.—A body possessing joint rights may not authorize more than one person as its representative on the electoral roll, but if that person dies or becomes incapacitated at any time it may make a fresh authorization.

[New]

General qualifications to vote.

42. No person shall be included in the electoral roll as qualified to vote unless—

(*a*) he is a British subject or a subject of a State in India;

Provided that the Governor in Council may with the sanction of the Governor-General in Council exclude from the scope of this restriction any aliens or class of aliens;

(*b*) he has attained the age of twenty-one years in the year preceding that in which the electoral roll is published; and

(*c*) he, or the body as representative of which he claims inclusion, has paid the taxes, if any, due by him or it under the Act for such preceding year.

Personal qualifications to vote.

43. No person shall be included in the electoral roll as qualified to vote in his personal capacity at a municipal election unless he has resided in the municipality for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published and has paid in such preceding year such tax as may be prescribed as a qualification in this behalf [New.]

Explanation.—A person shall be deemed to have made the payment required by this section if he has paid the prescribed tax as sole mortgagee, tenant, guardian or executor, or as sole administrator or trustee, not being the Administrator-General or Official Trustee.

Qualifications to vote as representative

44. No person shall be included in the electoral roll as qualified to vote as the representative of a body unless such body— [New.]

(*a*) has in the year preceding that in which the electoral roll is published carried on business in the town for one hundred and twenty days in the aggregate;

Provided that if the body does not carry on business the residence of any member thereof in the town for the like period shall suffice; and

(*b*) has in such preceding year paid such tax as may be prescribed as a qualification in this behalf.

Explanation.—A body shall be deemed to have made the payment required by clause (*b*) if it has paid the prescribed tax as mortgagee or tenant.

Disqualifications of voters.

45. No person who is of unsound mind or a deaf-mute shall be qualified to vote and no person shall be qualified to vote for the period fixed in an order passed by a court under section 57 and still in force. [New.]

Qualifications for membership of Council.

Qualification of candidates

46. No person shall be qualified for election or appointment as a councillor unless such person— [1a-A]

(*a*) is of the male sex;

(*b*) is a British subject or a subject of a State in India;

(*c*) has attained the age of twenty-five years in the year preceding that in which the electoral roll is published;

(*d*) has resided in the municipality or within two miles of the limits thereof for one hundred and twenty days in the aggregate in the year preceding that in which the electoral roll is published ;

and unless he, or a joint family of which he is a member,

(*e*) has in such preceding year paid such tax as may be prescribed as a qualification in this behalf

Provided that the Governor in Council may, with the sanction of the Governor-General in Council, exclude from the scope of the restriction in clause (*b*) any alien or class of aliens.

Provided also that sub-clauses (*d*) and (*e*) shall not apply to the case of persons holding a salaried office under Government, who are nominated as councillors.

Explanation.—A person or a joint family shall be deemed to have made the payment required by clause (*e*) if he or the family has paid the prescribed tax as mortgagee or tenant.

[10-A]

47. (1) A person shall be disqualified for election or appointment as a councillor if such person— Disqualification of candidates.

(*a*) has been at any time sentenced by any court to transportation, imprisonment or whipping for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(*b*) is at the date of nomination, election or appointment—

(i) of unsound mind, a deaf-mute or a leper ;

(ii) an uncertificated bankrupt or undischarged insolvent ;

(iii) interested in a subsisting contract made with, or any work being done for, the municipal corporation except as a shareholder (other than a director) in an incorporated company or as a legal practitioner ;

(iv) an officer or servant holding office under this Act, or an honorary magistrate for the municipal town unless, in the case of his being an honorary magistrate, the Governor in Council exempts him from the disqualification ;

(v) already a councillor whose term of office as such will not expire before his fresh election or appointment can take effect ; or

(vi) the servant or employer of a councillor.

Provided that a person shall not be deemed to have any share or interest in

such a contract or work as aforesaid by reason only of his having a share or interest in—

(i) any lease, sale or purchase of immovable property or any agreement for the same; or

(ii) any agreement for the loan or money or any security for the payment of money only; or

(iii) any newspaper in which any advertisement relating to the affairs of the corporation is inserted; or

(iv) the sale to the corporation of any articles in which he regularly trades, or the purchase from the corporation of any articles to a value in either case not exceeding fifteen hundred rupees in the aggregate in any year during the period of the contract or work.

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1), the Governor in Council may direct that such sentence shall not operate as a disqualification.

(3) No person shall be qualified for election or appointment for the period fixed in an order passed under section 57 and still in force.

(4) No person whose election to the office of councillor, chairman or vice-chairman is declared by the Governor in Council to be dangerous to the public peace or order or likely to bring the municipal administration into contempt shall be qualified to stand for election to such office during the period for which he is declared to be ineligible.

Provided that when the Governor in Council proposes to take action under this sub-section, he shall give the person concerned an opportunity of explanation, and shall record his reasons for any action taken.

Disqualifications of councillors.

48. (1) Subject to the provisions of section 49, a councillor shall cease to hold his office from the date of the notification of the Governor in Council under section 35, if he— [New.]

(*a*) is sentenced by a court to such punishment as is described in section 47, sub-section (1), clause (*a*);

(*b*) becomes of unsound mind, a deaf-mute, or a leper;

(*c*) applies to be adjudicated or is adjudicated, a bankrupt or insolvent;

(*d*) subject to the proviso to section 47, sub-section (1), acquires any interest in any subsisting contract made with or work being done for the corporation except as a shareholder (other than a director) in an incorporated company, or is employed as paid legal practitioner on behalf of the corporation;

(*e*) is appointed to any office or post referred to in section 47, sub-section (1), clause (*b*), sub-clause (iv); unless in the case of his being appointed an honorary magistrate for the municipal town, the Governor in Council exempts him from the disqualification;

(*f*) accepts employment under any other councillor;

(*g*) is subjected to an order under section 57; or

(*h*) ceases to reside in the city or within two miles thereof:

(2) Notwithstanding anything contained in clause (*a*) of sub-section (1) the Governor in Council may direct that such sentence shall not operate as a disqualification

(3) Where a person ceases to be a councillor under clause (*a*) or clause (*g*), he shall be restored to office for such portion of the period for which he was elected or appointed as may remain unexpired at the date of such restoration, if and when the sentence or order is annulled on appeal or revision or the disqualification caused by the sentence is removed by an order of the Governor in Council.

[(*New.*) from Bombay City Act, 36.]

Decision on questions of disqualification of councillors by district judge.

49. (1) Whenever it is alleged that any person who has been elected or appointed as a councillor is disqualified under section 47 or section 48, and such person does not admit the allegation, or whenever any member is in himself in doubt whether or not he has become disqualified for office, such member or any other member may, and the chairman, at the request of the council, shall, at any time before the Governor in Council has issued a notification under section 35, apply to the district judge of the district in which the municipality is situated.

(2) The said judge, after making such inquiry as he deems necessary, shall determine whether or not such person is disqualified under section 47 or section 48, and his decision shall be final.

(3) Pending such decision the member shall be deemed to be qualified.

Election offences.

Bribery.

50. (1) Every person who with intent to procure in the interests of himself or any other person the vote of any voter or his abstention from voting or the withdrawal of a candidate—

(*a*) lends or agrees to lend, offers, promises or gives to any person, any property, money, valuable security, public or private employment or any gratification whatever other than a benefit affecting the public in general, or

(*b*) offers, promises or gives to any person the means of obtaining an electoral qualification for himself or any other person,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every voter or candidate who accepts any such offer, promise or gift or contracts for or accepts a loan as a motive or reward for voting or abstaining from voting or for withdrawing his candidature shall be punished with the same punishment.

[English Corrupt Practices Prevention Act, 1854, 2 and 3.]

[Representation of the People Act, 1867, 49.]

[10–B.]

Undue influence.

51. Every person who—

(*a*) threatens any voter or candidate with injury to his person, reputation or property, or to the person or reputation of any one in whom he is interested with intent—

(i) to induce such voter to vote for any candidate or to abstain from voting, or

(ii) to induce such candidate to withdraw his candidature, or

(*b*) (i) commits wrongful restraint,

(ii) publishes statements which he knows to be false and which materially affect a candidate or his election, or

(iii) employs any deceitful means, and thereby prevents the free exercise of the right of any voter or candidate,

shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

[English Corrupt and Illegal Practices Prevention Act, 1883, 2.]

Fraudulent voting and personation.

52. (1) Every person who applies for a ballot paper at an election, having already voted once at the same election or knowing that he is not qualified to vote thereat, shall be punished with imprisonment of either description which may extend to six months or with fine or with both.

(2) Every person who applies for a ballot paper in the name of any other person living or dead, or of a fictitious person, shall be punished with the same punishment.

[English Ballot Act, 1872, 24.]

[English Ballot Act, 1872, 4.]

53. Every polling officer, clerk or other person in attendance at the polling room who except for some purpose authorized by law, communicates to any person any information showing directly or indirectly for which candidate any voter has voted, and every person who by any improper means procures any such information, shall be punished with imprisonment of either description which may extend to six months or with fine or with both. Infringement of secrecy of election.

[English Ballot Act, 1872, 2 (3).]

54. Every polling officer who permits a person to vote knowing that such person is not entitled to vote, or who prevents a person from voting knowing that such person is entitled to vote, shall be punished with imprisonment of either description which may extend to six months or with fine or with both. Offences by polling officers.

[English Ballot Act, 1872, 3.]

55. Every person who in the course of electoral operations attempts to falsify the record of an election by removing, destroying, altering or fabricating nomination papers or voting papers or by any other Act or by any omission, shall be punished with imprisonment of either description which may extend to one year or with fine or with both. Falsifying result of election.

[New]

56. No magistrate shall take cognizance of any offence punishable under sections 50 to 55 (both inclusive)— Procedure before magistrate.

(*a*) except on the complaint of a person whose name is on the electoral roll, and

(*b*) unless such complaint has been made within seven days of the date of the declaration of the result of any election to which the offence relates, or within seven days of the date on which the offence is alleged to have been committed.

An appeal shall lie to the District Judge from any conviction and sentence passed under sections 50 to 55.

[New]

57. Every person convicted of an offence punishable under sections 50 to 55 (both inclusive) shall be disqualified from voting or from being elected many election to which this Act applies or from holding the office of chairman, or councillor under this Act for such period, not being less than three years nor more than seven years from the date of his conviction, as the court may by order determine. Order of disqualification.

Chapter V.—Powers of Municipal Authorities in respect of Property, Contracts, Establishment.

Property.

[23]

58. (1) All public streets in any municipality, with the pavements, stones and other materials thereof, and all erections, materials and other things provided for Vesting of public streets and appurtenances in the municipal corporation.

such streets, all sewers, drains, drainage works, tunnels and culverts, whether made at the cost of the municipal fund or otherwise, in, alongside or under any street, whether public or private, and all works, materials and things appertaining thereto shall vest in the municipal corporation. [24]

(2) The Governor in Council may by notification withdraw any such street, sewer, drain, drainage work, tunnel or culvert from the control of the corporation.

Collected manure, etc., to belong to municipal corporation.

58. All rubbish and filth and other matter collected by a municipal corporation under this Act shall belong to the corporation. [24 (2)]

Power of Board of Revenue to transfer control of endowments to municipal corporation.

60. Subject to the control of the Governor in Council, the Board of Revenue may by notification with the consent of the municipal council, make over to a municipal corporation the management and superintendence of any charitable endowment in respect of which powers and duties attach to the Board of Revenue under the provisions of the Madras Endowments and Escheat Regulation, 1817; and thereupon all powers and duties which attach to the Board of Revenue in respect thereof shall attach to such corporation as if it had been specially named in the said regulation, and the corporation shall manage such endowment. [26]

[Indian Law Report X XXI, Madras, page 111 Indian Law Report XXXIV, Madras, page 333.]

Inventory of municipal property.

61. (1) The chairman shall maintain an inventory of all immovable property owned by the municipal corporation or to which the corporation have a reversionary right. [New]

(2) A copy of the said inventory shall be deposited in the office of the revenue divisional officer of the division in which the municipality lies, or, where there is no division, in the office of the district collector, and all changes shall be forthwith communicated to the said officer or collector.

Limitation of power to accept property in trust.

62. The council may accept trusts relating exclusively to the furtherance of purposes to which the municipal fund may be applied. [New]

Procedure for acquisition of immovable property under the Land Acquisition Act, 1894.

63. Any immovable property which any municipal authority is authorized by this Act to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act in respect of such property and of any other charges incurred in acquiring it the said property shall vest in the corporation. [279]

Contracts.

Delegation of authority to contract and contractual powers of persons appointed by Government.

64. (1) The council may delegate to the chairman or a committee consisting of two or more members the power of making on their behalf any contract whereof the value or amount does not exceed Rs. 200,

(2) In respect of a contract whereof the value or amount exceeds Rs 200, the sanction of the council for the making thereof should be obtained before the same is made. [44]

(3) Notwithstanding anything in the two preceding sub-sections, any person appointed by the Governor in Council to carry any work into execution on behalf of a municipal council may, subject to such control as the Governor in Council may prescribe, make such contracts as are necessary for the purpose of carrying such work into execution, to the extent of the sum provided for such work; and the municipal council shall pay to the person so appointed such sums as may be required for the said purpose, to the extent aforesaid.

Mode of executing contracts.

65. (1) Every contract made by, or on behalf of, a council, whereof the value or amount exceeds Rs. 100 shall be in writing and except in the case of contracts made under the provisions of sub-section (3) of section 64 shall be signed by two municipal councillors one of whom shall be the chairman or vice-chairman. [45]

(2) A contract executed or made otherwise than in conformity with the provisions of this and the last preceding section shall not be binding on the municipal council.

Establishment.

Establishment schedule.

66. (1) The council shall at their first meeting after the establishment of a municipality prepare a schedule setting forth the designations and grades of the officers and servants, who should, in their opinion, constitute the municipal establishment and embodying their proposals with regard to the amount and nature of the salaries, fees and allowances payable to them. [39]

(2) The schedule shall be drawn up in such form as the Governor in Council may direct and shall be submitted to the Governor in Council.

(3) The Governor in Council shall sanction such schedule either as it stands or subject to such modifications as he deems expedient.

Modifications of establishment schedule.

67. (1) Proposals for the revision of the establishment schedule may at any time be laid before the council by the chairman and, subject to the rules and [New.]

regulations governing the procedure of the council, by any member of the council.

(2) Any such proposals as are not inconsistent with the limits of expenditure for establishment or on any particular class of appointment that may have been prescribed by the Governor in Council by rules restricting the powers of all or any councils may be sanctioned by the council.

(3) Proposals involving expenditure beyond such limits shall be submitted to the Governor in Council, who may pass such orders as he thinks fit.

The Secretary, the Health Officer and the Engineer.

68. (1) If, in any municipality, the municipal corporation have for three consecutive years realized an income of fifty thousand rupees from ordinary receipts and there is no salary attached to the office of chairman, a post of secretary shall be included in the schedule unless the Governor in Council decides otherwise. [39-A (2).]

(2) Any municipal council, by special resolution, may and every council which during three consecutive years has realized an income of one hundred thousand rupees, from ordinary receipts, shall, if so required by the Governor in Council, include a post of health officer and a post of municipal engineer in the schedule.

Provided that with the consent of the Governor in Council the functions of the health officer and the secretary may be combined in one person.

(3) Every such officer shall devote his whole time and attention to the duties of his office and shall not engage in any other profession, trade or business whatever.

(4) Any such officer may be removed from office by the Governor in Council and shall be so removed if his removal is recommended by a resolution of the council passed at a special meeting called for the purpose and supported by a vote of not less than three-fourths of the total number of members on the council.

The Secretary's functions.

69. The secretary shall be the ministerial head of the municipal office and shall, as such, have the custody of all papers and documents and conduct the business of the municipal corporation subject to all lawful orders given to him by the chairman. [New.]

Filling up of superior appointments.

70. (1) On the occurrence of a vacancy in, or after the creation of, an office of secretary, health officer or engineer an appointment shall be made thereto by the council subject to the approval of the Governor in Council within four months from the date on which the vacancy occurred or the office was created or, in [New : cf. Bombay City Act, 75]

the event of any appointment so made by them not being confirmed by the Governor in Council, within thirty days of the date of the receipt by the council of the orders of the Governor in Council.

(2) In default of an appointment being made by the council as aforesaid, the Governor in Council may appoint a person to hold the office, and such appointment shall, for all purposes, be deemed to have been made by the municipal council.

(3) Pending the settlement of an appointment under sub-section (1) or (2) the municipal council may appoint a person to hold the office temporarily and may direct that the person so appointed shall receive such salary not exceeding the sanctioned salary of the post as they shall think fit.

Filling up of inferior appointments.

71. All municipal officers or servants excepting the officers appointed by the council under section 70 shall be appointed by the chairman in accordance with the establishment schedule and any rules the Governor in Council may have made in this behalf :

[42]

Provided that—

(*a*) the chairman may in cases of emergency appoint such temporary servants as in his opinion may be required for the purposes of this Act and the employment of whom for any particular work has not been prohibited by any resolution of the municipal council ;

(*b*) he shall report every such appointment to the council at their next meeting.

Power of council to frame service regulations.

72. Subject to the provisions of sections 12, 13, 14, 68, 69 and 75 and any rules made by the Governor in Council in this behalf, the council may frame regulations in respect of officers and servants on the municipal staff—

[43]

(*a*) fixing the amount and nature of the security to be furnished ;

(*b*) prescribing educational or other qualifications ;

(*c*) regulating the grant of leave, leave allowances and acting allowances ;

(*d*) regulating the grant of pensions and gratuities ;

(*e*) establishing and maintaining provident funds and making contribution thereto compulsory ;

(*f*) regulating conduct ; and

(*g*) generally prescribing conditions of service :

Provided that every regulation framed under clause (*c*), clause (*d*) or clause (*e*) shall require the sanction of the Governor in Council.

Power to punish municipal officers or servants.

73. Subject to the provisions of sections 58 and 75 and to such control as may be prescribed by the Governor in Council the chairman may fine, reduce, suspend, remove or dismiss any municipal officer or servant for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct. [42 (3)]

Power to grant leave to establishment.

74. The chairman may grant leave to all municipal officers and servants. [New.]

Special provisions regarding Government servants lent to corporations.

75. (1) The Governor in Council may, on the application of any municipal council, place the services of any Government servant at the disposal of the corporation to be employed by them for the purposes of this Act. The corporation shall pay any Government servant so employed the salary he may be entitled to receive under the rules of the branch of Government service to which he belongs, and shall also pay the Governor in Council such contribution towards the pension and leave allowances of such servant as may be payable under the regulations in that behalf in force for the time being. [40]

(2) If such servant, while employed by the municipal corporation or if any other servant of the corporation does any work for Government, the Governor in Council shall contribute to the municipal fund so much of the salary of such servant as the Governor in Council may consider to be an equivalent for such work.

(3) No Government servant employed by the municipal corporation under this section shall be dismissed from such employment without the consent of the Governor in Council or until three months' notice in writing to that effect shall have been given to the chief controlling authority of the branch of the Government service to which such servant belongs.

(4) No Government servant employed by a municipal corporation shall, except in cases of emergency, be withdrawn from the service of the corporation without the consent of the municipal council, unless and until the Governor in Council shall have given three months' notice in writing to that effect to the municipal council or unless some other Government servant has been deputed to replace the one withdrawn.

(5) Government servants employed by municipal corporations shall be entitled to leave and other privileges in accordance with the regulations applicable to the department of the general administration to which they belong.

PART III

CHAPTER VI.—TAXATION AND FINANCE.

[47, 48, 49]

Enumeration of ordinary taxes and power of control of local Government.

76. (1) Every municipal council may levy

(*a*) a property tax;
(*b*) a tax on companies;
(*c*) a profession tax;
(*d*) a tax on carriages and animals;
(*e*) a tax on carts;
(*f*) tolls on vehicles and animals entering the municipality;

(2) A hill station corporation may also levy a tax on servants.

(3) Any resolution of a municipal council determining to levy a tax or toll shall specify the rate at which any such tax or toll shall be levied and the date from which it shall be levied:

Provided that before carrying into effect a resolution imposing a tax or toll for the first time or increasing the rate of an existing tax or toll, the council shall publish a notice of their intention, fix a reasonable period not being less than one month for submission of objections and consider objections, if any, received within the period specified.

Provided also that any resolution abolishing an existing tax or toll or reducing the rate at which a tax or toll is levied shall be immediately reported to Government and in the case of municipalities which have taken a loan either from the Government or from the public or any other local body such abolition or reduction shall not be carried into effect without the sanction of the Governor in Council.

[New.]

Special taxation.

77. With the previous sanction of the Governor in Council and the Governor-General in Council a surcharge on income-tax payable under the Indian Income-tax Act, VII of 1918, may be levied by any municipal council in lieu of the tax on companies and of the profession tax in respect of the first eight classes of the persons liable therefor as specified in rule 17 of schedule IV.

[78]

Notification of new taxes and tolls.

78. When a municipal council shall have determined subject to the provisions of sections 76 and 77 to levy any tax or toll for the first time or at a new rate, the chairman shall forthwith publish a notification in the district gazette and by beat of drum specifying the rate at which the tax or toll will be levied from a day to be specified in the notification.

The property tax.

Description and classes of property tax.

79. (1) The property tax, which shall be levied at a consolidated rate on all buildings and lands within municipal limits save those exempted by or under this Act or any other law, shall comprise a tax for general purposes and may also comprise—

[47, proviso 1.]

(*a*) a water and drainage tax to provide for expenses connected with the construction, maintenance, repair, extension or improvement of water or drainage works heretofore provided or hereafter to be provided;

[Elis Municipalities Act, 5, proviso.]

(*b*) a lighting tax to provide for expenses connected with the lighting of the municipality by gas or electricity;

[New

(*c*) a railway tax to be used solely for or to further the construction and maintenance of railways.

(2) These taxes shall be levied at such percentages of the annual value of all lands and buildings as may be fixed by the municipal council, subject to the provisions of section 76.

Method of assessment of property.

80. (1) Every building shall be assessed together with its site and other adjacent premises occupied as an appurtenance thereto unless the owner of the building is a different person from the owner of such site or premises.

(2) The annual value of lands and buildings shall be deemed to be the gross annual rent at which they may reasonably be expected to let from month to month or from year to year:

[65 (1)]

Provided that—

(*a*) if the gross annual rent of buildings of a class not ordinarily let cannot, in the opinion of the chairman, be estimated, the annual value of the premises shall be deemed to be six per centum on the sum obtained by adding the estimated present cost of erecting the building less a reasonable amount on account of depreciation, if any, to the estimated value of the land valued with the buildings as part of the same premises;

[City Act, 120.]

(*b*) machinery shall be excluded from valuations under this section; and

(*c*) the annual value of dwelling-houses let furnished shall be deemed to be the gross annual rent at which they may be expected to let from month to month or from year to year, less a deduction for rent of the furniture.

General exemptions.

81. The following buildings and land shall be exempt from the property tax:—

[83 (1)]

(*a*) light-houses, piers, wharves and jetties;

[G.O. *b*, Legislative, 21st January 1901.]

(*b*) places set apart for public worship and either so actually used or used for no other purpose;

(*c*) hospitals;

[G.O. 1898 M., 29th November 1910.] (*d*) burial and burning grounds included in the list maintained by the chairman under section 279 of this Act;

(*e*) buildings or lands belonging to the municipal council; and

(*f*) public land.

Special exemptions and alternative basis of taxation.

82. The council shall levy the property taxes at a uniform rate:

[75 (1)]

Provided that—

(*a*) the water and drainage tax shall not be levied upon any land exclusively used for agricultural purposes and not deriving any benefit from the water or drainage works on account of which the tax is imposed;

[75 (2)]
[Hill Municipalities Act, 10 (2).]

(*b*) the Governor in Council may by notification exempt any particular part of a municipality from the payment of the whole or a portion of the water and drainage tax or of the lighting tax on the ground that such area is not deriving full benefit from the water-supply and drainage or from the lighting system;

[83 (5)]

(*c*) the municipal council may by a general resolution exempt any building or land from the property tax—

(i) if the annual value of the same does not exceed a sum specified in the said resolution, such sum not being greater than eighteen rupees, and

(ii) the proprietor does not own any other building or land assessed to the property tax and is not liable to companies', profession or income tax;

(*d*) the municipal council may, subject to the sanction of the Governor in Council, which may at any time be withdrawn in respect of all or any lands, assess any land which is not used solely for agricultural purposes or appurtenant to any building, or which is occupied by or appurtenant to huts, with reference to extent in lieu of annual value, subject always to the following maxima per eighty square yards:—

[G.O. 1898 M., 29th November 1910.]

(i) general tax—four annas,

(ii) water and drainage tax—four annas,

(iii) lighting tax—one anna two pies

(iv) railway tax—ten pies;

[63-A]

(*e*) the municipal council may, subject to the sanction of the Governor in Council, which may at any time be withdrawn in respect of all or any areas, levy the property taxes on buildings in any

specified part of a municipality at a rate calculated according to the area covered by the buildings. This rate shall be determined by the municipal council with the approval of the Governor in Council and may vary with reference to the situation and description of the buildings.

Property tax a first charge on property.

83. The property tax on buildings and lands shall, subject to the prior payment of land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or lands and upon the movable property, if any, found within or upon the same and belonging to the person liable to such tax.

G.O. 1581 M., 20th August 1914.]

[New.]
[City Act, 190.]

Payment of property tax in half-yearly instalments.

84. The property tax shall be paid by the owner of the assessed premises in two equal instalments, each instalment being payable, save as otherwise expressly provided in schedule IV, within thirty days after the commencement of the half-year to which it relates.

[64]

Vacancy remission.

85. (1) When any building has been vacant and unlet for thirty consecutive days in any half-year the chairman shall, if the owner of such building or his agent has given notice, remit so much, not exceeding a moiety of the tax due for such half-year, as is proportionate to the number of days during which the building was vacant.

[72]

(2) The period in respect of which the remission is made shall be calculated from the date of delivery of such notice to the chairman; and every such notice shall expire with the half-year during which it is so delivered, and shall have no effect thereafter.

(3) The chairman may at his discretion condone omissions to give notice under sub-section (1), provided that he shall record his reasons in writing for every such condonation.

Obligation of transferor and transferee to give notice of transfer.

86. (1) Whenever the title of any person primarily liable to the payment of property taxes on any premises to or over such premises is transferred, the person whose title is transferred and the person to whom the same shall be transferred shall within three months after the execution of the instrument of transfer or after its registration if it be registered or after the transfer is effected, if no instrument be effected, give notice of such transfer, in writing, to the chairman.

[New.]
[Bombay City Act, 149-151.]

(2) In the event of the death of any person primarily liable as aforesaid the person to whom the title of the deceased shall be transferred, as heir or otherwise,

shall give written notice of such transfer to the chairman within one year from the death of the deceased.

(3) The notice to be given under this section shall be in such form as the chairman may direct and the transferee or the person to whom the title passes, as the case may be, shall, if so required, be bound to produce before the chairman any documents evidencing the transfer or succession.

(4) Every person who makes a transfer as aforesaid without giving such notice to the chairman shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of property tax assessed on the premises transferred until he gives notice or until the transfer shall have been recorded in the municipal registers, but nothing in this section shall be held to affect—

(*a*) the liability of the transferee for the payment of said tax, or

(*b*) the prior claim of the municipal corporation under section 83.

Owner's obligation to give notice of construction or re-construction of building.

87. If any building is constructed or reconstructed, the owner shall give notice thereof to the chairman within fifteen days from the date of completion or occupation, whichever is earlier.

[73 (1)]

Owner's obligation to give notice of demolition of building and liability on failure

88. (1) If any building is demolished, the owner shall give notice thereof to the chairman.

[73 (2)]

(2) Until such notice is given the owner shall be liable, at the discretion of the chairman, for the payment of the property tax which would have been leviable had such building not been demolished.

Chairman's power to call for information and to enter upon premises

89. (1) For the purpose of assessing the property tax, the chairman may, by notice, call on the owner or occupier of any land or building to furnish him, within a week after the service of the notice, with returns of the rent payable for the land or building, the cost of erecting the building and the measurements of the land; and every owner and occupier on whom such notice is served shall be bound to comply with it and to make a true return to the best of his knowledge or belief.

[New.]
[City Act, 182.]

(2) For the purpose aforesaid the chairman may enter, inspect, survey and measure such building or land, after giving twenty-four hours' notice to the owner or occupier.

Tax on companies.

Taxation of companies on their capital.

90. If the chairman publishes a notification under section 78 that a companies' tax shall be levied, every company transacting business within the municipality for profit or as a benefit society shall after the date specified in the said notification pay a half-yearly tax on its capital on the scale shown in rule 16 of schedule IV, if and as soon as it has transacted business in the municipality for the period laid down in section 93. [53]

Explanation.—Whenever a company employs a servant or agent to represent it for the purpose of transacting business in a municipality, such company shall be deemed to transact business within the municipality and such servant or agent shall be liable for the tax in respect of the company's business whether or not he has power to make binding contracts on behalf of the company.

Profession tax.

Licence tax on professions.

91. (1) If the chairman publishes a notification under section 78 that a profession tax shall be levied, every person who within the municipality and for the period laid down in section 93 exercises after the date specified in the said notification a profession, art, trade or calling or holds any appointment, public or private, or is in receipt of any pension bringing him within one or more of the classes of persons specified in rule 17 of schedule IV, shall pay a half-yearly tax on his professional income, salary and pension on the scale shown in the said rule. [53]

(2) A person shall be chargeable under the class appropriate to his aggregate income from all professions, arts, trades, callings, appointments exercised or held by him, and pensions of which he is in receipt. [59]

(3) No person who shall prove that he has paid the sum due on account of the profession tax levied under this Act, or to any tax of the nature of a profession tax imposed under the Indian Cantonments Act, 1910, for the same half-year in any other municipality or cantonment in the Madras Presidency shall be liable by reason merely of change of business, appointment, residence, or place of business, to pay to any municipal corporation more than the difference between such sum and the amount to which he is otherwise liable for the profession tax for the half-year under this Act. [60]

Illustration 1.—A, a sub-collector, is transferred in the middle of a half-year from municipality X to municipality Y, where he continues to hold the appointment of sub-collector on the same salary. If A, before leaving X, paid the tax for the half-year during which he was transferred, he is not liable to pay the tax again for the same half-year in Y.

Illustration 2.—A, a sub-collector, is transferred in the middle of a half-year from X to Y on promotion to the rank of collector. If A, before leaving X, paid the tax leviable on him as sub collector for the half-year during which he was transferred, he is liable to pay in Y only the difference between the tax payable by a person in receipt of the salary of a sub-collector and that payable by a person in receipt of the salary of a collector.

Illustration 3.—B has simultaneously a shop in X and a shop in Y. The former brings him an income of Rs. 100 a month and the latter of Rs. 50 a month. B is liable to pay a tax in X calculated on the profits of his trade in X, and a tax in Y calculated on the profits of his trade in Y.

[58]

92. The profession tax leviable from a firm or undivided Hindu family may be levied from any member of that firm or family.

Liability of members of firm or undivided Hindu family to profession tax.

Provisions common to companies' and profession tax.

[55-6]

93. If in any half-year any company transacts business or any person exercises a profession, art, trade or calling, or holds an appointment, or is in receipt of a pension rendering him liable for the profession tax for sixty days in the aggregate in any municipality, such company or other person shall become liable for the companies' or the profession tax as the case may be, and if the tax due in respect of the half-year is not paid, the chairman shall cause a notice to be served on such person to pay it within fifteen days from the date of such service.

Payment when due and notice of prosecution for failure to pay.

94. The chairman may by notice require the owner or occupier of any building or land and every secretary or manager of a hotel, boarding or lodging house, club, or residential chambers to furnish within a specified time a list in writing containing the names of all persons occupying such building or land, and specifying the profession, art, trade,

Requisition on owner or occupier to furnish list of persons able to tax

[61, 62]

calling, or appointment of every such person and the rent, if any, paid by him.

Requisition on employers or their representatives to furnish such list.

95. The chairman may by notice require any employer or the head or secretary or manager of any public or private office, hotel, boarding-house or club or of a firm or company— [61, 62]

(*a*) to furnish within a specified time a list in writing of the names of all persons employed by such employer or by such office, hotel, boarding-house, club, firm or company as officers, servants, dubashes, agents, suppliers, or contractors, with a statement of the salary or income of such employed persons, and

(*b*) to furnish particulars in regard to any incorporated company of which such employer, head, secretary or manager, as the case may be, is the agent.

Tax on carriages and animals.

General provisions regarding tax on carriages and animals.

96. If the chairman publishes a notification under section 78 that a tax shall be levied on carriages and animals, he shall levy the said tax by half-yearly instalments on carriages and animals kept or let out for hire within the municipality which are of the kinds specified in rule 20 of schedule IV. [77]

(2) The rates of the tax shall be determined by the council, provided always that they shall not exceed the maxima laid down in rule 20 of schedule IV.

Liability to tax according to period for which carriage or animal has been kept.

97. (1) Every person having possession, custody or control of any taxable carriage or animal shall be liable for the full half-yearly tax if the carriage or animal has been kept or let out for hire within the municipality for an aggregate period of not less than sixty days in the half-year. [77]

(2) If such aggregate period exceeds fifteen days but is less than sixty days, a moiety only of the half-yearly tax shall be leviable. [G.O. No. 1564 M., dated 27th June 1913. G.O. No. 2274 M., dated 17th November 1913.]

(3) If such aggregate period does not exceed fifteen days, no tax is leviable for the half-year.

(4) Every person having possession, custody or control of any taxable carriage or animal within the municipality shall, until the contrary is shown, be presumed to have kept the same within the municipality for sixty days in the half-year.

(5) Notwithstanding anything contained in sub-sections (1) and (2) no person shall be liable to tax during any half-year on account of any vehicle or

animal in respect of which the full tax for the same half-year has already been paid by some other person.

98. The carriage and animal tax shall not be levied on— Exemptions.

[78] (*a*) carriages and animals belonging to the Government and used for military purposes;

(*b*) carriages and animals kept within the municipality for the discharge of their outdoor duties therein by such members of the police force as are employed on such duties or by such municipal servants similarly employed as the council may designate, provided always that exemption under this clause shall not extend to more than one carriage and two animals for any one such person;

(*c*) carriages and animals kept solely for sale by carriage makers and dealers;

(*d*) carriages which have been under repair or standing at a carriage maker's during the whole of the half-year;

(*e*) horses belonging to mounted officers as defined in paragraph 1 (*b*) of the Regulations for the Indian Defence Force and to soldiers who are members of Light Horse, Mounted Rifles or Mounted infantry regiments, squadrons or platoons provided always that exemption under this clause shall not extend to more than one horse for each officer or soldier;

(*f*) motor-cycles belonging to officers and soldiers of a motor-cycle company, platoon or section or to other officers or soldiers whose motor-cycles are certified by the officer commanding their corps to be in good order and of actual service for the work of the corps provided always that exemption under this clause shall not extend to more than one motor-cycle for each officer or soldier;

(*g*) bicycles belonging to and solely used by bona fide members of cyclist sections of the Indian Defence Force provided always that exemption under this clause shall not extend to more than one bicycle for each officer or soldier;

(*h*) animals which during the whole of the half-year have been kept in any institution for the reception of infirm animals or which are certified by a veterinary surgeon to have been unfit for use during the whole of the half-year.

[79] 99. With the sanction of the council or in accordance with regulations framed Compulsion.

by that body, the chairman may compound, for any period not exceeding one year, with any livery-stable keeper or other person keeping carriages and animals for sale or hire, for a certain sum to be paid in lieu of the carriage and animal tax.

Forms to be sent to and returned by tax-payers.

100. (1) The chairman shall send to every person supposed to have become liable to the payment of the carriage or animal tax a printed table in the form contained in rule 20, sub-rule (4), of schedule IV or to the like effect, to be filled up with such information respecting the carriages and animals kept by him as the chairman considers necessary for the assessment of the tax. [80-1]

(2) Such table shall be filled up with such information in writing, and signed and dated, and returned within one week of its receipt to the municipal office by the person to whom it has been sent.

Grant of licence on payment of tax

101. When any person pays the amount of tax due in respect of any carriage or animal, the chairman shall grant him a licence to keep such carriage or animal for the period to which the payment relates. [83]

Power to require numbers to be affixed to bicycles, etc.

102. (1) The chairman may direct that a municipal number shall be affixed— [New.]

[G.O. No. 962 M., dated 18th June 1908.
" " 1220 M. " 4th July 1912.
" " 114 M. " 20th January 1914.]

(a) to every carriage let out for hire within the municipality, and

(b) to every bicycle and tricycle kept within the municipality:

Provided that no municipal number shall be requisite in the case of carriages to which a number must be affixed under the provisions of any special Act.

(2) The numbers affixed under sub-section (1) shall be registered in the municipal office.

Tax on carts.

General provisions regarding cart-tax.

103. (1) If the chairman publishes a notification under section 78 that a tax shall be levied on carts, he shall levy the said tax by half-yearly instalments at the rate (which shall not exceed four rupees per cart per half-year), fixed by the council and specified in the notification from the date specified in the notification in respect of all carts kept or let out for hire within the municipality.

(2) Every owner of any such cart shall register it once in every half-year in the municipal office.

(3) The council may direct that a municipal number shall be affixed to every registered cart.

(4) The chairman shall notify certain days in every half-year for the registration and numbering of carts and the payment of the tax.

(5) This section shall not apply to carts belonging to the Government and used for military purposes, or carts kept solely for sale by cart-makers and dealers.

Power to remit tax.

104. The chairman may remit any portion of the cart-tax in respect of any cart which is shown to his satisfaction to have been kept or let out for hire within the municipality for an aggregate period not exceeding fifteen days in the half-year, or to have been under repair or standing at a cart-maker's during the whole of the half-year.

[86-A]

Powers to seize carriages and carts not bearing numbers.

[89]
[G.O. No. 870 M., dated 2nd June 1911.]

Seizure of vehicles not bearing numbers.

105. (1) If a municipal number is not affixed to a carriage or cart in pursuance of a direction issued under section 102 or section 103, as the case may be, the chairman may at any time seize and detain the vehicle and the animal, if any, by which it is drawn.

Provided that no vehicle other than a bicycle, tricycle, motor-bicycle or rickshaw shall be seized or detained when actually employed in the conveyance of any passenger or goods.

[90]

(2) If the vehicle or animal seized be not claimed and the tax due thereon paid within ten days from the date of seizure, the chairman may direct that the vehicle or animal shall be sold in public auction and the proceeds of the sale applied to the payment of—

(i) the tax, if any due, on the vehicle or animal sold;

(ii) such penalty not exceeding the amount of the tax as the chairman may direct; and

(iii) a sum of one rupee on account of charges incurred in connexion with the seizure, detention and sale.

(3) If there is a surplus after such payment, the chairman shall on demand made within six months from the date of sale, make it over to the owner or other person entitled thereto. If no such demand is made, such surplus shall be forfeited to the municipal corporation.

(4) If the owner of the vehicle or animal or other person entitled thereto claims the same within ten days from the

date of seizure or at any time before the sale it shall be returned to him on payment of—

(i) the tax due thereon;

(ii) such penalty not exceeding the amount of the tax as the chairman may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure and detention.

The tax on servants.

General provision regarding servants' tax

106. (1) If the chairman of a hill station municipality publishes a notification under section 78 that a tax shall be levied on servants, he shall collect a monthly tax from the date and at the rates (which shall not exceed two rupees a month for each servant) fixed by the council and specified in the notification from every employer of private menial and of domestic servants who is not liable for the profession tax or surcharge on the income-tax or, as proprietor, for the property tax. [Hill Municipalities Act, 6.]

(2) The tax may differ for different classes of servants. [Hill Municipalities Act, 5 (2).]

(3) The tax shall be payable at the full monthly rate for every servant employed for not less than fifteen days in the aggregate out of every thirty days from the commencement of the employment, and at a moiety of the monthly rate for every servant employed for less than fifteen days but not less than seven days in the aggregate during such periods. [Hill Municipalities Act, 7.] [G.O. No. 1564 M., dated 27th January 1910.]

(4) If the tax remains unpaid at the end of seven days or fifteen days, as the case may be, the chairman may serve upon the employer a notice requiring him to pay within three days from the service of such notice the sum for which he is believed to be liable, and may, on the expiry of such period, recover from the said employer the sum specified in such notice.

(5) Every person who has paid the servants' tax for any period in a half-year and has also paid the profession tax or surcharge on the income-tax or (as proprietor) the property tax in the same municipality for that half-year, shall be entitled to a refund of the sum paid as servants' tax. [Hill Municipalities Act, 9.]

Power to call for lists of servants.

107. The chairman may by notice require— [Hill Municipalities Act, 8.]

(a) every employer of private menial and domestic servants, and

(*b*) every secretary, owner or manager of a hotel, boarding or lodging house, club or residential chambers, to furnish within a specified time a list in writing of the private menial and domestic servants employed by him or by every person resident in such place.

[91]

Tolls.

General provisions for tolls on vehicles and animals.

108. If the chairman publishes a notification under section 78 that tolls shall be levied on vehicles and animals entering the municipality, such tolls shall be levied at the rates (which shall not exceed the maximum laid down in rule 21 of schedule IV) fixed by the council and specified in the notification from the date specified in the notification :

Provided that no toll shall be leviable on any vehicle or animal—

(*a*) licensed or registered by the municipal corporation,

(*b*) exempted by or under the Indian Tolls (Army) Act, 1901,

(*c*) carrying any stores belonging to the Government,

(*d*) carrying any municipal or police officer on duty, or

(*e*) carrying any person or property in the custody of a police officer.

[92 (1)]

Construction of toll-bars and collection of tolls.

109. (1) The council may construct toll-bars and toll-stations on or within the municipal boundary and—

(*a*) may place the collection of the tolls under the management of such persons as they think fit, or

(*b*) may farm them out on such terms and conditions as they think fit, with liberty to the farmer to exercise all or any of the powers conferred by or under this Act for the levy and collection of tolls.

Composition.

(2) With the sanction of the council or in accordance with regulations framed by that body, the chairman may whether the tolls have been farmed out or not compound with any person living outside the municipality for a certain sum to be paid yearly or half-yearly in lieu of all tolls payable under the provisions of this Act

Procedure in case of non-payment of toll.

110. (1) If the toll leviable on a vehicle or animal is not paid on demand, the person appointed to collect it may seize and detain such portion of the appurtenances or load of such vehicle or animal as will, in his opinion, suffice to defray the amount due; in the absence of any such appurtenances or load or in the event of

their value being insufficient to defray the amount due, he may seize and detain the vehicle or animal. [95 (1)]

(2) All property seized under sub-section (1) shall be sent within twenty-four hours to the chairman or to such person as he may have authorized to receive and sell such property and the chairman shall forthwith give notice to the proprietor of the property seized, or, if the proprietor is not known, or is not resident within the municipality to the person who was in charge of the said property at the time when it was seized, or, if such person cannot be found, publish by beat of drum, that, after the expiry of two days, exclusive of Sunday, from the date of service or after the said publication of such notice, the property will be sold in auction at a place to be specified in the notice. [95 (2)]

(3) If at any time before the sale has begun the amount due on account of the toll, together with a sum of four annas on account of charges incurred in connexion with the seizure and detention, is tendered to the chairman, or other person authorized as aforesaid, the property seized shall be forthwith released. [95]

(4) If no such tender is made, the property may be sold and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the toll;

(ii) such penalty not exceeding the amount of the toll as the chairman may direct; and

(iii) a sum of eight annas on account of charges incurred in connexion with the seizure, detention and sale.

Attempts to evade payment of tolls.

111. No person shall with intent to evade payment of toll cause a vehicle or animal— [93]

(a) to pass a toll-station in a rapid or surreptitious manner;

(b) to pass a toll-station without stopping if he is required by the toll-keeper to stop; or

(c) to leave a street on which a toll-station has been placed and pass over any adjacent land, not being either a public street or land of which such person is the owner or occupier.

Table of tolls.

112. At every toll-bar, or toll station, a table of the tolls leviable shall be put up legibly written or painted in English and in the vernacular language of the district in some conspicuous place near such toll-bar or toll-station. [92 (3)]

Surcharge on the Income-tax.

[New]

113. (1) The surcharge on income-tax shall be levied as an addition to the tax payable under the Indian Income-tax Act, 1918, in respect of all income assessed within the municipality other than income derived from interest on securities. Assessment and recovery of surcharge on income-tax.

(2) The rate of surcharge shall be fixed annually by the council as a percentage of the income-tax payable:

Provided that—

(*a*) the rate shall in no case exceed fifty *per centum*;

(*b*) the rate fixed on the introduction of the surcharge shall not exceed any percentage which the Governor-General in Council may have fixed in his order granting sanction under section 77 to the levy of the surcharge; and

(*c*) the rate shall not on any subsequent occasion be enhanced without the previous sanction of the Governor-General in Council.

(3) The surcharge shall be recovered as if it formed an integral part of the income-tax due from the assessee and for the purposes of such recovery the provisions of the Indian Income-tax Act, 1918, shall apply in so far as they are relevant and not inconsistent with the provisions of this Act.

(4) The amount of surcharge collected, together with a proportionate share of any sums levied under section 36 of the said Act, shall be paid to the municipal corporation subject to such deduction for expenses incurred in collection as the Governor in Council may determine.

General provisions regarding taxation and finance.

[51]
[G.O. 431 M., dated 3rd March, 1913.]

114. With the sanction of the Governor in Council, the municipal council may exempt any person or class of persons wholly or in part from the payment of any tax or toll. Power to exempt from taxes or tolls.

[New]

115. If in the opinion of the municipal council any tax or toll is irrecoverable, the council may write off the same together with any sums payable in connexion therewith. Council's power to write off irrecoverable taxes and tolls.

[27]

116. All moneys received by the municipal corporation shall constitute a fund which shall be called the municipal fund and shall be applied and disposed of subject to the provisions of this Act or other laws. Definition of municipal fund.

[251 (1)]

Budget estimates.

117. The municipal council shall furnish, for the sanction of the Governor in Council, an annual statement or estimate shewing the probable receipts and the expenditure which it is proposed by the municipal council to incur during the next year, and the items in respect of which it is proposed to incur such expenditure and may also furnish a supplemental estimate providing for any modifications which they may deem it advisable to make in the distribution of the amount to be raised and expended in the year then current.

[251 (2)]

Control of local Government over municipal budget.

118. (1) It shall be competent to the Governor in Council in respect of any original or supplemental budget estimates submitted under section 117—

(a) in any case in which a municipality shall have contracted loans, whether from Government, from any other local body or from the public to direct such alterations to be made in the figures as will in his opinion ensure the adequate and punctual discharge of such liabilities; and

(b) to require that a municipality shall further provide in its estimates a minimum working balance of ordinary receipts over ordinary expenditure of such amount as he may from time to time prescribe;

to make with these objects, such alterations in the estimates submitted to him under section 117 as may be necessary.

Except as above he shall not make any alterations in the estimates other than corrections of arithmatical or clerical errors.

(2) The orders of the Governor in Council in respect of any matters referred to in sub-section (1) of this section shall be final and binding on the municipality: Provided that before making such alterations the Governor in Council shall afford to the municipal council a reasonable opportunity to state any objections it may have to urge.

(3) The Governor in Council may determine either by general rule from time to time or by special order in any particular case what items of receipt or expenditure shall be held to be included in the terms "ordinary receipt" and "ordinary expenditure" respectively.

[New]

Appointment of auditor of accounts.

119. The Governor in Council shall appoint auditors of the accounts of receipt and expenditure of the municipal fund.

Such auditors shall be deemed to be "public servants" within the meaning of section 21 of the Indian Penal Code.

[New]

120. The council shall pay to the auditors out of the municipal fund such remuneration as the Governor in Council may determine.

Payment of remuneration to auditors.

[114]

121. (1) If the expenditure incurred by the Governor in Council or by any other municipality constituted under this Act or by any other local authority in the Presidency of Madras for any purpose authorized by or under part II of schedule IV is such as to benefit the inhabitants of a municipality, the municipal council may, with the sanction of the Governor in Council, make a contribution towards such expenditure.

Contributions to expenditure by other local authorities.

(2) The Governor in Council may direct a municipal council to show cause within a month after receipt of the order containing the direction, why any contribution described in sub-section (1) should not be made.

(3) If the municipal council fail to show cause within the said period to the satisfaction of the Governor in Council, the Governor in Council may direct them to make such contribution as he shall name, and it shall be paid accordingly.

[115]

122. The Governor in Council may, with the consent of the council of any municipality, transfer to any municipal corporation the management of any institution or the execution of any work not provided for by this Act, and it shall thereupon be lawful for such corporation to undertake the management of the institution or the execution of the work:

Objects not provided for by this Act.

Provided that in every such case the funds required for such management or execution shall be placed at the disposal of the corporation by the Governor in Council.

[New]

123. With regard to—

Application of schedule IV.

(*a*) the assessment of property taxes;

(*b*) the assessment of the companies and profession taxes;

(*c*) the specification of rates for the carriage and animal tax, and for tolls and subsidiary instructions for the imposition thereof;

(*d*) the revision of assessment;

(*e*) the collection of tax, duties and tolls;

(*f*) other miscellaneous matters connected with taxation under this Act;

(*g*) optional and obligatory municipal expenditure;

(*h*) the auditing of the accounts; and surcharge and disallowance by auditors; and

(*i*) other miscellaneous matters connected with municipal finance

the rules and tables embodied in schedule IV shall be read as part of this chapter.

PART IV

PUBLIC HEALTH, SAFETY AND CONVENIENCE.

CHAPTER VII.—WATER-SUPPLY, LIGHTING AND DRAINAGE.

Water-supply—Vesting of works and powers of municipal authorities.

Vesting of works in municipal corporation.

124. (1) All public water-courses and springs and all public reservoirs, tanks, cisterns, fountains, wells, stand-pipes, and other water-works existing at the time of the coming into force of this Act or afterwards made, laid or erected, and whether made, laid or erected at the cost of the municipal corporation or otherwise, and also any adjacent land (not being private property) appertaining thereto shall vest in the corporation and be subject to their control.

[143 (2)]

(2) The Governor in Council may by notification limit or define such control or may assume the administration of any public source of water-supply and public land adjacent and appertaining thereto.

[143 (3)]

Construction and maintenance of water-works.

125. (1) The municipal council may, with the sanction of the Governor in Council, direct the construction of such works as they deem fit without the limits of the municipality for supplying it with water and may provide channels, tanks, reservoirs, cisterns, engines, mains, wells, fountains, stand-pipes, and other works as they may deem fit within the said limits for the use of the inhabitants.

[144]

(2) The council may cause existing works for the supply of water to be maintained and supplied with water, or

they may close any such works and substitute other such works and may cause them to be maintained and supplied with water.

Trespassing on premises connected with water-supply.

126. It shall not be lawful for any persons except with permission duly given and obtained to enter upon land belonging to or vested in a municipal corporation along which a conduit or pipe runs, or upon any premises connected with the water-supply.

[150]
[City Act, 198.]

Supply for domestic use.

Corporation to provide water for domestic use.

127. The municipal corporation shall, so far as the funds at their disposal may admit, provide a sufficient supply of water fit for the domestic use of the inhabitants.

[143 (1)]

Control over house-connexions.

128. All house-connexions, whether within or without the premises to which they belong, with any water-supply mains which may have been constructed by a municipal corporation shall be under the control of the corporation, but shall be altered, repaired and kept in proper order, if the corporation so require, at the expense of the owner of the premises to which they belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf. [147 (4)]

Private water-supply for consumption and domestic use and powers of chairman to enforce provision of water-supply.

129. (1) In municipalities in which there is a pipe supply of water the chairman may, at his discretion, on application by the owner or occupier of any building, arrange in accordance with the by-laws, to supply water thereto for domestic consumption and use. [147 (1)]

Provided that the chairman shall not without the sanction of the council agree to supply water to any building assessed at an annual value of less than one hundred and twenty rupees.

(2) Whenever it appears to the chairman that any masonry dwelling-house assessed at an annual value of not less than two hundred rupees is without a proper supply of water for domestic consumption and use and that such a supply can be furnished from a main not more than one hundred feet distant from any part of such building, the chairman may by notice require the owner to obtain such supply and to execute all such works as may be necessary for that purpose in accordance with the by-laws and regulations: [P.H. Act, 1875, 82.]

Provided that no action shall be taken under this sub-section if the owner satisfies the chairman that he is too poor to bear the cost of the said works.

(3) The cost of making the connexion and the cost or hire of meters shall be borne by the owner or applicant and shall be recoverable in the same manner as the property tax. [147 (3)]

Explanation.—Supply of water for domestic consumption and use shall not be deemed to include a supply—

(*a*) for any trade, manufacture or business,

(*b*) for gardens or for purposes of irrigation, [147 (1) (explanation)] [W.W.C. Act, 1863, 12.]

(*c*) for building purposes,

(*d*) for fountains, swimming baths, public baths, tanks in or near temples and mosques within the municipality or for any ornamental or mechanical purpose.

(c) for animals, or for washing vehicles, where such animals or vehicles are kept for sale or hire;

but shall be deemed to include a supply—

(a) for flushing water-closets and latrines,

(b) for all baths other than swimming baths or public baths,

(c) for the consumption and use of inmates of hotels, boarding-houses and the like and for baths used by such inmates.

(7) For all water supplied under this section in excess of a maximum determined by by-laws made by the council, payment shall be made at such times and on such conditions as may be laid down in such by-laws and shall be recoverable in the same manner as the property tax.

Private water-supply for non-domestic purposes.

[147 (2)]

130. (1) The chairman may at his discretion supply water for any purpose other than domestic consumption and use on receiving a written application specifying the purpose for which such a supply is required and the quantity likely to be consumed. Chairman's power to supply water for non-domestic purposes at rates fixed by council.

(2) For all water supplied under sub-section (1) payment shall be made at such rates and such conditions shall be imposed as may be determined by the council by general or special order.

Supply beyond limits of municipality.

[New]

131. The council may with the sanction of and on such terms (if any) as may be approved by the Governor in Council supply water to a local authority or other person without the municipality. Supply without the municipality.

Cutting off water-supply.

152. (1) The chairman may cut off the supply of municipal water from any premises— Power to cut off water-supply

(a) if the premises are unoccupied;

[148-A]

(b) if any water-tax or any sum due for water, for the cost of making a connexion or for the cost or hire of a meter or for the cost of carrying out any work or test connected with the water-supply which is chargeable to any person by or under this Act, is not paid within fifteen days after a bill for such tax or sum has been presented;

(c) if, after receipt of a notice from the chairman requiring him to refrain

from so doing, the owner or occupier continues to use the water or to permit it to be used in contravention of any by-law made under this Act;

(*d*) if the owner or occupier neglects within a period specified in any notice issued by the chairman under any by-law made under this Act to put up a meter or to comply with any other lawful order or requisition;

(*e*) if the owner or occupier wilfully or negligently damages his meter or any pipe or tap conveying municipal water;

(*f*) if the occupier refuses to admit the chairman into premises which he proposes to enter for the purpose of executing any work or of placing or removing any apparatus or of making any examination or inquiry in connexion with the water-supply, or prevents the chairman doing such work, placing or removing such apparatus or making such examination or inquiry;

(*g*) if any pipes, taps, works, or fittings connected with the municipal water-supply are found on examination by the chairman to be out of repair to such an extent as to cause waste or contamination of water;

(*h*) if the owner or occupier causes pipes, taps, works or fittings connected with the municipal water-supply to be placed, removed, repaired or otherwise interfered with in violation of the by-laws:

Provided that in cases under sub-clauses (*e*), (*f*), (*g*) and (*h*) the chairman shall not take action unless notice of not less than twenty-four hours has been given to the owner or occupier of the premises.

(2) The expense of cutting off the supply shall be paid by the owner or occupier of the premises.

(3) In cases under clause (*b*) as soon as any money for non-payment of which water has been cut off, together with the expense of cutting off the supply, has been paid by the owner or occupier, the chairman shall cause water to be supplied as before on payment of the cost (if any) of reconnecting the premises with the municipal water-works.

(4) No action taken under this section shall relieve any person from any penalties or liabilities which he may otherwise have incurred.

Non-liability of corporation for reduction or stoppage of supply in certain cases.

133. The municipal corporation shall not be liable to any penalty or damages for cutting off the supply of water or for not supplying water (save in the case of

[New]
[W.C. Act, 1863, s. 13.]

express stipulation in an agreement for the supply of water for other than domestic purposes) in the case of any drought, or other unavoidable cause or accident, or the necessity for re-laying or repairing pipes.

Lighting.

[175 (2)]

134. The municipal corporation shall so far as the funds at their disposal permit cause the public streets to be lighted and for that purpose shall provide such lamps and works as they think necessary. Provision for lighting public streets.

Public drainage.

[New]

135. The municipal corporation shall, so far as the funds at their disposal may admit, provide and maintain a sufficient system of public drains. Maintenance of system of drainage by corporation.

Private drainage.

[214]

136. All house-drains whether within or without the premises to which they belong and all private latrines and cess-pools within the municipality shall be under the control of the municipal corporation, but shall be altered, repaired, cleansed, and kept in proper order, if the corporation so require, at the expense of the owner of the premises to which the same belong or for the use of which they were constructed, and in conformity with by-laws and regulations framed by the council in this behalf. Control over house-drains, private and cess-pools.

[209]
[213]
[213-A]

137. (1) The chairman shall on application by the owner or occupier of any premises or the owner of a private street arrange, in accordance with the by-laws, for the connexion of the applicant's drain with any public drain at a distance not exceeding three hundred feet therefrom at the applicant's expense. Connexion of house-drains with public drains.

[209]
[214 (1)]

(2) If there is a public drain or outfall within a distance not exceeding one hundred feet of the nearest point on any premises the chairman may by notice direct the owner of the said premises to construct a drain leading therefrom to such drain or place of outfall, and to execute all such works as may be necessary in accordance with the by-laws and regulations at such owner's expense.

(3) If any premises are, in the opinion of the chairman, without sufficient means of effectual drainage, but no part thereof is situated within one hundred feet of a public drain or its place of outfall, the chairman may by notice direct the owner of the said premises to construct a closed cess-pool of such material, dimensions

and description, in such position and at such level as the chairman thinks necessary, and to construct a drain or drains emptying into such cess-pool and to execute all such works as may be necessary in accordance with the by-laws and regulations:

Provided that—

(*a*) no requisition shall be made under this section on any person who has been exempted from payment of the property tax under section 82, clause (*c*);

(*b*) no person shall be required under this section to expend a sum exceeding five times the property tax on any such building, with the land assessed with it as part of the same premises; or in the case of buildings exempted under section 81, five times the property tax which would be payable on such building with the land which would be assessed with it to the property tax if such building were not exempt and if any amount exceeding the said sum is expended, the excess shall be borne by the corporation.

Chairman may close or limit the use of existing private drains.

138. (1) Where a drain connecting any premises with a public drain or other place set apart by the municipal corporation for the discharge of drainage is sufficient for the effectual drainage thereof and is otherwise unobjectionable, but is not, in the opinion of the chairman, adapted to the general drainage system of the municipality or of the part of the municipality in which such drain is situated, the chairman with the approval of the council may—

[P.H. Act, 1875, 24.] [New]

(*a*) subject to the provisions of sub-section (2) close, discontinue or destroy the said drain and do any work necessary for that purpose; or

(*b*) direct that such drain shall, from such date as he specifies in this behalf, be used for sullage and sewage only, or for water unpolluted with sullage or sewage only, and by notice require the owner of the premises to make, at his own expense, an entirely distinct drain for water unpolluted with sullage or sewage, or for sullage and sewage.

(2) No drain may be closed, discontinued or destroyed by the chairman under clause (*a*) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with a public drain or other place aforesaid; and the expense of the construction of any drain so provided by the chairman and of any work done under clause (*a*) shall be paid by the corporation.

[213-A]

Power of chairman to drain premises in combination.

139. (1) When the chairman is of opinion that any group or block of premises any part of which is situate within one hundred feet of a municipal drain already existing, or about to be constructed, may be drained more economically or advantageously in combination than separately, the chairman may, with the approval of the council, cause such group or block of premises to be drained by such method as appears to the chairman to be best suited therefor and the expenses incurred by the chairman in so doing shall be paid by the owners in such proportions as the council may decide.

(2) Not less than fifteen days before any work under this section is commenced, the chairman shall give written notice to the owners of—

(*a*) the nature of the intended work,

(*b*) the estimated expenses thereof, and

(*c*) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed, or continued for the special use and benefit only of such premises and shall, in the proportion in which it is determined that they are to contribute to the expenses incurred by the chairman under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition.

[New]
[Bombay City Act, 230.]

Rights of owners and occupiers of premises to carry drains through land belonging to other persons.

140. (1) If it shall appear to the chairman that the most convenient means by which the owner of any premises can cause his drain to be connected with a public drain or other place set apart by the municipal corporation for the discharge of drainage is by carrying the same in, on, over, through, across or under any land belonging to some person other than the said owner of the premises to be drained, the chairman after giving the owner of the land notice to show cause to the contrary within a period of four weeks may, if no objection is raised or if any objection which is raised appears to him to be invalid or insufficient, by an order in writing, authorize the said owner of the premises to be drained to construct the required drain in, on, over, through, across or under the said land in such manner as the chairman shall think fit to allow.

(2) Every such order bearing the signature of the chairman shall be a complete authority to the person in whose favour it is made, and to his agents and employees to enter upon the said land after seven days' notice in writing to the owner and at any time between 8 a.m. and 6 p.m. and to execute the necessary work.

(3) Subject to all other provisions of this Act, the owner of any premises or the agent or person employed by him for this purpose, may after obtaining a written order from the chairman and after giving to the owner of any land wherein a drain has been already lawfully constructed for the drainage of his said premises seven days' written notice of his intention so to do, enter upon the said land at any time between 6 a.m. and 6 p.m. and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section as little damage as possible shall be done, and the owner of premises for the benefit of which the work is done shall—

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good at his own cost and with the least practicable delay the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to any person who sustains damage by the execution of the said work.

(5) If the owner of any land in, on, over, through, across or under which a drain has been constructed under subsection (1) whilst such land was not built upon, shall, at any time afterwards, desire to erect a building on such land, the chairman shall by written notice require the owner of the premises for the benefit of which such drain was constructed to close, remove or divert it in such manner as shall be approved by the chairman, and to fill in and restore the land to its former condition as if the drain had not been constructed: provided that no such requisition shall be made unless in the opinion of the chairman it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

[Now]
[Bombay City Act, 238.]

Chairman may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

141. (1) Where the chairman is of opinion, whether on receipt of an application or otherwise, that the most convenient means by which the owner of any premises can cause the drain of such premises to empty into a public drain or other place set apart by the municipal corporation for the discharge of drainage is through a drain communicating with such public drain or place aforesaid, but belonging to some person other than the said owner, the chairman after giving the owner of the drain a notice to show cause to the contrary within a period of four weeks, may, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either authorize the said owner to use the drain or declare him to be a joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleansing, and emptying the joint drain, or otherwise as may appear to him equitable.

(2) Every such order bearing the signature of the chairman shall be a complete authority to the person in whose favour it is made, and to his agent and employees to enter upon the land in which the said drain is situate at any time between 6 a.m. and 6 p.m. after giving the owner of the drain seven days' notice in writing of his intention to so enter and after giving or tendering to him the compensation or rent specified in the said order and otherwise fulfilling as far as possible the conditions of the order and shall also be a complete authority subject to all provisions of this Act, to do all such things as may be necessary for—

(*a*) connecting the two drains; or

(*b*) renewing, repairing or altering the connexion; or

(*c*) discharging any responsibility attaching to the person in whose favour the chairman's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2) the person in whose favour the chairman's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 140.

Building, etc., not to be erected without permission over drains.

142. (1) Without the permission of the council, no person shall place or construct any fence, building, culvert, drain-covering, drain or other structure or any street, railway or cable over, under, in or across any public drain, or stop up, divert, obstruct or in any way interfere with any public drain, whether it passes through public or private ground. [211, 212]

(2) The chairman may remove or otherwise deal with anything placed or constructed in contravention of subsection (1) as he shall think fit, and the cost of so doing shall be recoverable from the owner thereof in the manner provided in section 359.

Construction of culverts or drain coverings by owner or occupier.

143. (1) The chairman may by notice require the owner or occupier of any building or land adjoining a public street to construct culverts or drain-coverings over the side channels or ditches at the entrances to the said building or land. [166 (1)]

G.O. 1897 M., 23rd September 1909.

(2) All culverts or drain-coverings or pials maintained over side-channels or ditches by the owners or occupiers of adjacent buildings or lands shall be of the form and size and consist of such materials and be provided with such means of ventilation as the chairman may by notice require and shall be maintained and kept free from all obstruction at the expense of the said owners or occupiers.

Maintenance of troughs and pipes for catching water.

144. The owner or occupier of any building in a public street shall, within fifteen days after receipt of notice in that behalf from the chairman, put up and thenceforward maintain, proper troughs and pipes for catching and carrying the water from the roof and other parts of such building and for discharging such water in such manner as the chairman may permit. [166 (2)]

Public latrines.

Provision of public latrines and urinals.

145. The council shall, as far as the funds at their disposal may admit, provide and maintain in proper and convenient places a sufficient number of public latrines and shall cause the same to be daily cleansed and kept in proper order. [206 (1)]

Private latrines.

Provision of latrines by owner or occupier.

146. (1) The chairman may by notice require the owner or occupier of any building within the time specified in such notice to provide a latrine or alter or remove from an unsuitable to a more suitable place any existing latrine in accordance with the directions contained in such notice, for the use of the persons employed in or about or occupying such building and to keep it clean and in proper order. [207]

(2) Every owner or occupier of the ground on which any group of six or more huts stands shall provide latrines of such description and number and in such position as the chairman may by notice require, within such time as may be fixed in the notice, for the use of the inhabitants of such huts.

Provision of latrines for labourers.

147. Every person employing workmen, labourers or other persons exceeding twenty in number, shall provide and maintain for the separate use of persons of each sex so employed latrines of such description and number and in such position as the chairman may by notice require, within such time as may be fixed in the notice.

[208]

[New]

Provision of latrines for markets, cart-stands and cattle-sheds.

148. The chairman may by notice require the owner or manager of a market, cart-stand, or cattle-stand within the time specified in such notice to provide and maintain for the separate use of persons of each sex latrines of such description and number and in such position as may be specified in such notice.

[207 (2)]

Latrines to be screened from view and kept clean.

149. All latrines shall be so constructed as to screen persons using the same from the view of persons passing by or residing in the neighbourhood and shall be kept clean and in proper order.

General powers.

[145]
[146]
[178]
[210]
[213-B]

Power to carry wire, pipes, drains, etc., through private property subject to paying as little inconvenience as possible and paying for direct damage.

150. The chairman may carry any cable, wire, pipe, drain or channel of any kind to establish or maintain any system of drainage, water-supply or lighting, through, across, under, or over any road, street or place laid out for a road or street, and after giving reasonable notice to the owner or occupier, through, across under, over or up the side of, any land or building in the municipality, and may place and maintain posts, poles, standards, brackets, or other contrivances to support wires and lights on any pole or post in the municipality not owned by the Government of India, and may do all acts necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, channel, post, pole, standard, bracket or other similar contrivance in an effective state for the purpose of which it is intended to be used or for removing the same:

[Hill Municipalities Act, 5 (2) (e).]

Provided that such work shall be done so as to cause the least practicable nuisance or inconvenience to any person:

Provided further that the chairman shall, with the sanction of the council,

pay compensation to any person who sustains damage by the exercise of such power.

Prohibition against making connexion with mains without permission.

151. (1) No person shall, without the permission of the chairman, make any connexion with any municipal cable, wire, pipe, drain or channel or with the house-connexion of any other person. [211]

(2) The chairman may by notice require any connexion made in contravention of sub-section (1) to be demolished, removed, closed, altered or re-made.

Power to require rails, &c. level to be raised or lowered.

152. If the municipal corporation conduct any pipe or drain or other work connected with the water-supply or drainage of the municipality across a line of railway, culvert, cable or drain they may with the sanction of the Governor in Council and at the cost of the municipal fund, require the owners of the same to raise or lower the level thereof. [Now] [City Act, 510.]

Powers in respect of works outside the municipality.

153. (1) The municipal corporation shall not undertake new works beyond the limits of the municipality without the sanction of the Governor in Council.

(2) The corporation may in the execution and for the purpose of any works beyond the limits of the municipality sanctioned by the Governor in Council whether before or after the passing of this Act, exercise all the powers which they may exercise within the municipality throughout the line of the country through which conduits, channels, pipes, lines of posts and wires and the like run, and with the sanction of the Governor in Council— [145]

(*a*) over any lake, tank or reservoir, from which a supply of water for drinking, for producing electric energy or for other purposes is derived, and over all lands within one mile of the high water level of any such lake, tank or reservoir, and

(*b*) over any water-course from which a supply of water for drinking, for producing electric energy or for other purposes is derived, within one mile above and half a mile below any point at which water is taken for such use, and

(*c*) over any lands used for sewage farms, sewage disposal tanks, filters and other works connected with the drainage of the municipality.

Chapter VIII.—Scavenging.

Municipality to arrange for the removal of rubbish and filth

154. Every municipal corporation shall make adequate arrangements for—

(a) the regular sweeping and cleaning of the streets;

[216] (b) the daily removal of filth and the carcasses of animals from private premises; and

(c) the daily removal of rubbish from dust-bins and private premises;

and with this object, they shall provide

(i) depots for the deposit of filth rubbish and the carcasses of animals;

(ii) covered vehicles or vessels for the removal of filth;

(iii) vehicles or other suitable means for the removal of the carcasses of large animals and rubbish; and

(iv) dust-bins for the temporary deposit of rubbish.

[218] 155. The chairman may contract with the owner or occupier of any premises to remove rubbish or filth, or any particular kind of rubbish or filth, from such premises or any place belonging thereto on such terms as to times and periods of removal and other matters as may seem suitable to the chairman, and on payment of fees at such rate calculated to cover the cost of the service as the council may have laid down with the approval of the district collector. Cleaning of private latrines, etc.

156. (1) The council may by notification require all occupiers of buildings within the municipality or any part thereof, with whom no contract for removal of filth has been made under section 155, to provide within a period to be specified in such notification, movable receptacles of a kind to be similarly specified, for the temporary deposit of filth, and may further require that such receptacles shall be in readiness, screened from public view, for the removal of the contents thereof free of charge, by the municipal servants at such time or times daily as the council may think proper. Provision of receptacles for filth.

[217]

(2) After the expiration of the period specified in the said notification, the council shall provide receptacles for all persons who have failed to comply with the notification and may recover the cost thereof from such persons; provided that the council shall in the case of all occupiers of buildings the annual value whereof is not more than six rupees, supply the said receptacles at the cost of the municipal fund.

Scavenging on occasions of fairs and festivals and contribution from persons having control over places of pilgrimage.

157. The municipal corporation shall make any special scavenging arrangements that may be necessary on occasions of fairs, festivals or other large assemblies of people, and in the case of such assemblies held in connexion with any place of pilgrimage in or within two miles of the municipality, the council may require the persons having control over such place of pilgrimage to make such contribution as the Governor in Council may on each such occasion approve towards the cost of such arrangements. [New.]

Prohibition of improper disposal of carcasses, rubbish and filth.

158. No person shall after due provision has been made under section 154 by the municipal corporation for the deposit and removal of the same, [219]

(*a*) deposit the carcasses of animals, rubbish or filth, in any street, or on the verandah of any building, or on any unoccupied ground alongside any street, or on any public quay, jetty or landing-place, or on the bank of a water course or tank, or without the consent of the owner or occupier thereof, in or on any private property; or

(*b*) deposit filth or carcasses of animals in any dust-bin or in any vehicle not intended for the removal of the same; or

(*c*) deposit rubbish in any vehicle or vessel intended for the removal of filth save for the purpose of deodorising or disinfecting the filth.

Prohibition of failure to deposit filth in receptacle, etc.

159. (1) No occupier of any building shall, after a receptacle has been provided as required in section 156, fail to deposit therein all filth that has not been removed from the building or to keep such receptacle in readiness, screened from public view, at the times fixed by the council, or deposit in such receptacle any matter other than filth. [220]

Prohibition against keeping filth on premises too long, etc.

(2) No owner or occupier of any premises shall keep or allow to be kept for more than twenty-four hours any filth on such premises or any building or on the roof thereof or in any out-building or any place belonging thereto, or fail to comply with any requisition of the chairman as to the construction, repair, paving or cleansing of any latrine on or belonging to his premises: [221]

Magistrate may direct that person shall accept municipal service

Provided that it shall be lawful for the magistrate by whom a person is convicted of an offence under this section, in lieu of imposing a fine, to direct that for a period to be fixed by him, but not exceeding one year, the council shall arrange to

remove filth from the premises concerned and that the said person shall pay to the council, in return for the performance by them of this duty, such fees as might have been collected from him, if he had entered into a contract under section 155.

Prohibition against allowing outflow of filth.

160. No owner or occupier of any premises shall allow the water from any sink, drain, latrine or stable, or any other filth to flow out of such premises to any portion of a street except a drain or a cess-pool or to flow out of such premises in such a manner as to cause an avoidable nuisance by the soakage of the said water or filth into the walls or ground at the side of a drain forming a portion of a street.

[222]

Prohibition against using any cart without cover to the removal of filth, etc.

161. No person shall, in the removal of filth, use any cart or receptacle not having a covering proper for preventing the escape of the contents thereof, or of the stench therefrom, or intentionally or negligently spill any filth in the removal thereof, or omit carefully to sweep and clean every place in which any such filth has been spilled, or place or set down in any public place any filth whether in a vessel closed or open.

[223]

Prohibition against throwing rubbish or filth into drains.

162. No person shall put or cause to be put any rubbish or filth into any public drain not intended for rubbish or filth or into any drain communicating with any such public drain.

[224]

Chapter IX.—Streets.

Public streets.

Maintenance and repair of streets.

163. The municipal corporation shall, at the cost of the municipal fund, cause the public streets and bridges to be maintained and repaired and may from the same fund meet the cost of all improvements to the same which are necessary or expedient for the public safety or convenience.

[157]
[City Act, 229.]

Powers of municipal authorities.

164. (1) The chairman may, subject always to such sanction as may be required under Chapter V,

(*a*) lay out and make new public streets;

(*b*) construct bridges and sub-ways;

(*c*) turn, divert or with the special sanction of the council and the Governor in Council, permanently close any public street or part thereof;

(*d*) widen, open, extend or otherwise improve any public street.

[158 (1)]
[City Act, 230.]

(2) Reasonable compensation shall be paid to the owners and occupiers of any land or buildings which are required for or affected by any such purposes.

Power to dispose of permanently closed streets.

165. (1) When a public street is permanently closed under section 164, the municipal corporation may, with the sanction of the Governor in Council, dispose of the site or of so much thereof as is no longer required, in such manner as may be approved by the Governor in Council, provided that due compensation is made to any person injured by such closing.

[New]
[City Act, 231.]

(2) In determining such compensation allowance shall be made for any benefit accruing to the same premises or any adjacent premises belonging to the same owner from the construction or improvement of any other public street at or about the same time that the public street, on account of which the compensation is paid, is closed.

Acquisition of land and buildings for improvement of streets.

166. (1) The chairman may, subject always to such sanction as may be required under Chapter V, acquire—

[158 (2)]
[City Act, 232.]

(a) any land required for the purpose of opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land;

(b) with the special sanction of the council any land outside the proposed street alignment, with the buildings, if any, standing thereupon which the council may consider it expedient to acquire:

Provided that, in any case in which it is decided to acquire any land under clause (b) of this sub-section, the owner of such land may retain it by paying to the municipal corporation an annual sum to be fixed by the council in that behalf, or a lump sum to be fixed by the council, not being less than twenty-five times such annual sum and subject to such conditions as the council think fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(2) If any sum payable in pursuance of the proviso to sub-section (1) in respect of any land be not duly paid, it shall be recoverable in the manner provided by this Act for the collection of taxes, and, if not so recovered, the chairman may enter upon the land, and sell it, with any erections standing thereon, by public auction subject to the conditions, if any, imposed under sub-section (1) above and may deduct the said sum

and the expenses of the sale from the proceeds of the sale and shall pay the balance (if any) to the defaulter.

(3) Any sum paid in pursuance of the proviso to sub-section (1) or recovered under sub-section (2) in respect of any land shall be left out of account in determining the annual value of such land for the purpose of assessing it to the property tax.

(4) Any land or building acquired under sub-section (1) clause (*b*) may be sold, leased or otherwise disposed of after public advertisement, and any conveyance made for that purpose may comprise such conditions as the council think fit as to the removal of the existing building, if any, the description of the new building (if any) to be erected, the period within which the new building (if any) shall be completed and any other similar matters.

(5) The council may require any person to whom any land or building is transferred under sub-section (4) to comply with any conditions comprised in the said conveyance before they place him in possession of the land or building.

[164]

Defining the regular line of a street.

167. (1) The council may—

(*a*) define a line on each side of any public street;

(*b*) from time to time, define a fresh line in substitution for any line so defined or for any part thereof, provided that—

(i) at least one month before the meeting of the council at which the matter is decided, public notice of the proposal has been given, and special notice thereof has also been put up in the street or part of the street for which such fresh line is proposed to be defined; and

(ii) the council consider all objections to the said proposal made in writing and delivered at the municipal office not less than three clear days before the day of such meeting.

(2) The lines for the time being defined shall be called "the regular lines of a street."

Buildings not to be constructed within regular lines without permission.

168. No person shall construct any portion of any building within the regular lines defined under section 167 except with the permission of the council.

[164]

Setting back projecting buildings or walls.

169. (1) When any building or part thereof abutting on a public street is within the regular lines of such street, the chairman may, whenever it is proposed—

[165]

[City Act, 235.]

(*a*) to rebuild such building or take it down to an extent exceeding one half

thereof above the ground-level such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to any portion of such building which is within the regular lines of the street;

in any order which he issues concerning the rebuilding, alteration or repair of such building, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular lines of a public street falls down or is burnt down or is, whether by order of the chairman or otherwise, taken down, the chairman may forthwith take possession on behalf of the municipality of the portion of land within the regular lines of the street theretofore occupied by such building and, if necessary, clear it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the municipal corporation.

(4) When any building is set back in pursuance of any requisition made under sub-section (1) or when the chairman takes possession of any land under sub-section (2) the corporation shall forthwith make full compensation to the owner for any direct damage which he may sustain thereby.

Explanation:—The expression "direct damage" as used in sub-section (4) with reference to land, means the market value of the land taken and the depreciation, if any, in the ordinary market value of the rest of the land resulting from the area being reduced in size; but does not include damage due to the prospective loss of any particular use to which the owner may allege that he intended to put the land, although such use may be injuriously affected by the reduction of the site.

Setting buildings forward to improve line of street.

170. Subject always to such sanction as may be required under Chapter V the chairman may, upon such terms as he thinks fit, allow any building to be set forward for the purpose of improving the line of a public street and may, with the sanction of the council, by notice require any building to be so set forward in the case of reconstruction thereof or of a new construction.

[165-A]
[Bombay City Act, 300.]

Proposed streets.

171. (1) The council may prepare schemes and plans of proposed public streets, showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

[New]
[City Act, 237.]

(2) The width of such proposed streets shall not be less than forty feet, or in any area covered by huts, twenty feet:

Provided that this sub-section shall not apply in any case in which the street alignment runs along an existing street, and the council consider it impracticable to widen the street to the extent of forty feet or twenty feet, as the case may be.

(3) It shall be the duty of the council to lay out public streets in areas covered by huts, so far as may be practicable, both for the purpose of securing proper ventilation for huts in such areas, and in view to the contingency of masonry buildings being erected therein.

(4) When any plan has been prepared under sub-section (1), the street to which it refers shall be deemed to be a projected public street, and the provisions of section 169 shall apply to all buildings, so far as they stand across the street alignment or building line of the projected street.

Watering of streets.

172. The council shall, so far as they consider it requisite for the public convenience, cause the chief public streets to be watered, and for that purpose may provide such water-carts, animals and apparatus as they think necessary.

[175 (1)]

Temporary closure of streets.

173. The chairman may by an order in writing temporarily close any street to traffic for repair, or in order to carry out any work connected with drainage, water-supply or lighting or any of the purposes of this Act:

[158]

Provided that such work shall be completed and such street reopened to traffic with all reasonable speed.

Protection of appurtenances and materials of streets.

174. It shall not be lawful for any person, without the permission of the chairman, to displace, take up, or make any alteration in the fences, posts, pavement, flags or other materials of any public street.

[160]

Power of municipality to recover expenses caused by extraordinary traffic.

175. When by a certificate of an officer of the Government Public Works Department of a rank not below that of Executive Engineer, it appears to the council that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by the municipal corporation in repairing a street by reason of the damage caused by excessive weight passing along the street or extraordinary traffic thereon, the corporation may recover in the civil court

[English Highways and Locomotives (Amendment) Act, 1878 (41 and 42 Vic., Ch. 77), 23.]

having jurisdiction from any person by or in consequence of whose order such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of such court to have been incurred by such corporation by reason of the damage arising from such weight or traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with the council for the payment to them of a composition in respect of such weight or traffic and thereupon the persons so paying shall not be subject to any proceedings under this section.

Private Streets.

Making of new private streets.

176. (1) Any person intending to make or lay out a new private street shall send to the municipal office a written application with plans and sections showing the following particulars, namely,

[161]
[City Act, 242-3]

(*a*) the intended level, direction and width of the street,

(*b*) the street alignment and the building line, and

(*c*) the arrangements to be made for levelling, paving, metalling, flagging, channelling, sewering, draining, conserving and lighting the street.

(2) The provisions of this Act and of any rules or by-laws made under this Act as to the level and width of public streets and the height of buildings abutting thereon shall apply also in the case of streets referred to in sub-section (1), and all the particulars referred to in that sub-section shall be subject to approval by the council.

(3) Within sixty days after the receipt of any application under sub-section (1) the council shall either sanction the making of the street on such conditions as they may think fit, or disallow it, or ask for further information with respect to it.

(4) Such sanction may be refused—

(i) if the proposed street would conflict with any arrangements which have been made, or which are in the opinion of the council likely to be made, for carrying out any general scheme for the laying out of streets,

(ii) if the proposed street does not conform to the provisions of the Act, rules and by-laws referred to in sub-section (2), or

(iii) if the proposed street is not designed so as to connect at one end with a street which is already open.

(5) No person shall make or lay out any new private street without or otherwise than in conformity with the orders of the council. If further information is asked for no steps shall be taken to make or lay out the street until orders have been passed upon receipt of such information:

Provided that the passing of such order shall not in any case be delayed for more than sixty days after the council have received all the information which they consider necessary to enable them to deal finally with the said application. Any application not disallowed within a period of one hundred and twenty days from the date of receipt in the municipal office shall be deemed to have been sanctioned.

[New.]
[City Act, 244.]

Alteration or demolition of street made in breach of section 176.

177. (1) If any person makes or lays out any street referred to in section 176 without or otherwise than in conformity with the orders of the council, the chairman may, whether or not the offender be prosecuted under this Act, by notice—

(*a*) require the offender to show sufficient cause, by a written statement signed by him and sent to the chairman on or before such day as may be specified in the notice, why such street should not be altered to the satisfaction of the chairman, or if such alteration be impracticable, why such street should not be demolished, or

(*b*) require the offender to appear before the chairman either personally or by a duly authorized agent on such day and at such time and place as may be specified in the notice, and show cause as aforesaid.

(2) If any person on whom such notice is served fails to show sufficient cause to the satisfaction of the chairman why such street should not be so altered or demolished the chairman may pass an order directing the alteration or demolition of such street.

[162.]
[City Act, 245.]

Power of chairman to order work to be carried out or to carry it out himself in default.

178. (1) If any private street or part thereof is not levelled, paved, metalled, flagged, channelled, drained, conserved or lighted to the satisfaction of the chairman, he may by notice require the owners or occupiers of buildings or lands fronting or abutting on such street or part thereof to carry out any work, which in his opinion may be necessary and within such time as may be specified in such notice.

(2) If such work is not carried out within the time specified in the notice, the chairman may, if he thinks fit, execute it and the expenses incurred shall be paid by the owners or occupiers in default according to the frontage of their respective buildings or lands and in such proportion as may be settled by the chairman.

Right of owners to require street to be declared public.

179. If any street has been levelled, paved, metalled, flagged, channelled, drained, conserved and lighted under the provisions of section 178, such street shall, on the requisition of not less than three-fourths of the owners thereof, be declared a public street. [168.] [City Act, 246.]

Encroachment on streets.

Prohibition against obstructions in or over streets.

180. No one shall build any wall or erect any fence or other obstruction, or projection, or make any encroachment in or over any street except as hereinafter provided. [167 (1).]

Prohibition and regulation of doors, ground-floor windows and bars opening outwards.

181. (1) No door, gate, bar or ground-floor window shall without a licence from the chairman be hung or placed so as to open outwards upon any street. [167 (2).]

(2) The chairman may by notice require the owner of such door, gate, bar, or window to alter it so that no part thereof when open shall project over the street.

Removal of encroachments

182 (1) The chairman may by notice require the owner or occupier of any premises to remove or alter any projection, encroachment or obstruction (other than a door, gate, bar or ground-floor window) situated against or in front of such premises and in or over any street. [168.]

(2) If the owner or occupier of the premises proves that any such projection, encroachment or obstruction has existed for a period sufficient under the law of limitation to give any person a prescriptive title thereto or that it was erected or made with the permission or licence of any municipal authority duly empowered in that behalf, and that the period, if any, for which the permission or licence is valid has not expired, the municipal corporation shall make reasonable compensation to every person who suffers damage by the removal or alteration of the same.

Power to allow certain projections and erections.

183. (1) The council may grant a licence, subject to such conditions and restrictions as they may think fit, to the owner or occupier of any premises to put up verandahs, balconies, sun-shades, weather-frames and the like, to project [169]

over a street, or in streets in which the construction of arcades has been sanctioned by the council, to put up an arcade; or to construct any step or drain-covering necessary for access to the premises.

(2) The chairman may grant a licence, subject to such conditions and restrictions as he may think fit, for any temporary construction in a street for a period of not more than twenty days on occasions of festivals and ceremonies:

[173] Provided that a licence under this section shall in no case be granted if the projection or construction, as the case may be, is likely to cause public inconvenience:

Provided further that the Governor in Council may by notification restrict and place under such control as he thinks fit, the exercise in any municipality of powers under sub-section (1); or withdraw the said powers from the municipal authorities and entrust them to such officer of Government as he may designate.

(3) On expiry of any period for which a licence has been granted under this section, the chairman or officer designated by the Governor in Council as aforesaid may, without notice, cause any projection or construction put up under sub-section (1) or sub-section (2) to be removed, and the cost of so doing shall be recoverable in the manner provided in section 339 from the person to whom the licence was granted. Such officer may also sell the materials of such projection or construction and shall in that case apply any surplus proceeds in the manner provided in section 341.

Precautions during repair of streets.

184. (1) The chairman shall during the construction or repair of any street, drain or premises vested in the municipal corporation,

(*a*) cause the same to be fenced and guarded,

[172 (1) and (2)] (*b*) take proper precautions against accident by shoring up and protecting the adjoining buildings, and

(*c*) cause such bars, chains or posts to be fixed across or in any street in which any such work is under execution as are necessary in order to prevent the passage of vehicles or animals and avert danger.

(2) The chairman shall cause such drain, street or premises to be sufficiently lighted or guarded during the night while under construction or repair.

(3) The chairman shall, with all reasonable speed, complete the said work, fill in the ground, and repair the said drain, street, or premises and remove the rubbish occasioned thereby.

Prohibition against removal of bars and lights

185. No person shall without lawful authority remove any bar, chain, post or shoring timber or remove or extinguish any light set up under section 184. [172 (3)]

Prohibition against making holes and causing obstruction.

186. (1) No person shall make a hole or cause any obstruction in any street unless he previously obtains the permission of the chairman and complies with such conditions as that officer may impose. [173]

(2) When such permission is granted, such person shall, at his own expense, cause such hole or obstruction to be sufficiently fenced and enclosed until the hole or obstruction is filled up or removed and shall cause such hole or obstruction to be sufficiently lighted during the night.

License for work on buildings likely to cause obstruction.

187. If any person intends to construct or demolish any building or to alter or repair the outward part thereof, and if any street or footway is likely to be obstructed or rendered inconvenient by means of such work, he shall first obtain a licence from the chairman in that behalf and shall also— [171]

(*a*) cause the said building to be fenced and guarded,

(*b*) sufficiently light it during the night, and

(*c*) take proper precautions against accidents during such time as the public safety or convenience requires.

Clearing of debris of fallen houses, etc., by occupiers.

188. If any obstruction is caused in any street by the fall of trees, structures or fences, the owner or occupier of the premises concerned shall within twelve hours of the occurrence of such fall, or within such further period as the chairman may by notice allow, clear the street of such obstruction. [173-A]

Naming of streets.

Naming of public streets.

189. (1) The council shall give names to new public streets and may alter the name of any public street. [174]

(2) The chairman shall cause to be put up or painted in English and in at least one vernacular language on a conspicuous part of some building, wall or place, at or near each end, corner or entrance the name of every public street.

(3) No person shall, without lawful authority destroy, pull down, or deface

any such name or put up any name different from that put up by order of the chairman.

Numbers on buildings.

Numbering of buildings.

190. (1) The chairman may cause a number to be affixed to the side or outer door of any building or to some place at the entrance of the premises.

[182]

(2) No person shall without lawful authority destroy, pull down or deface any such number.

(3) When a number has been affixed under sub-section (1), the owner of the building shall be bound to maintain such number and to replace it if removed or defaced; and if he fails to do so, the chairman may by notice require him to replace it.

CHAPTER X.—BUILDING REGULATIONS.

General Powers.

Building rules.

191. (1) The Governor in Council may make rules—

(*a*) for the regulation or restriction of the use of sites for building, and

(*b*) for the regulation or restriction of building.

(2) Without prejudice to the generality of the power conferred by sub-section (1), clause (*a*), rules made under that clause may provide—

(*a*) that no insanitary or dangerous site shall be used for building, and

[212]

(*b*) that no site shall be used for the construction of a building intended for public worship, if the construction of the building thereon will wound the religious feelings of any class of persons.

[G.O. No. 434 L., dated 15th March 1915]

(3) Without prejudice to the generality of the power conferred by sub-section (1), clause (*b*), rules made under that clause may provide for the following matters:—

(*a*) information and plans to be submitted together with applications for permission to build;

(*b*) height of buildings, whether absolute or relative to the width of streets;

(*c*) level and width of foundation, level of lowest floor, and stability of structure;

(*d*) number and height of stories composing a building and height of rooms;

(*e*) provision of sufficient open space external or internal and adequate means of ventilation;

(*f*) provision of means of egress in case of fire;

(*g*) provision of secondary means of access for the removal of house refuse;

(*h*) materials and methods of construction of external and party walls, roofs and floors;

(*i*) position, materials and methods of construction of hearths, smoke-escapes, chimneys, staircases, latrines, drains, cess-pools;

(*j*) paving of yards;

(*k*) restrictions on the use of inflammable materials in building; and

(*l*) in the case of wells, the dimensions of the well, the manner of enclosing it, and if the well is intended for drinking purposes, the means which shall be used to prevent pollution of the water.

Building-sites and construction or re-construction of buildings.

192. No piece of land shall be used as a site for the construction of a building and no building shall be constructed or re-constructed otherwise than in accordance with the provisions of this part and of any rules or by-laws made under this Act relating to the use of building-sites or the construction or re-construction of buildings.

[City Act, 260]

Provided that the Governor in Council may in respect of all municipalities, or with the consent of the municipal council, in respect of any particular municipality or portion thereof, exempt all buildings or any class of buildings from all or any of the provisions of this chapter or the said rules.

[Hill Municipalities Act, 36.]

Power of council to regulate future construction of certain classes of buildings in particular streets or localities.

193. (1) The council may give public notice of their intention to declare—

(*a*) that in any streets or portions of streets specified in the notice,

(i) contiguous building will be allowed,

(ii) the elevation and construction of the frontage of all masonry buildings thereafter constructed or re-constructed shall, in respect of their architectural features, be such as the council may consider suitable to the locality, or

[City Act, 261]
[Hill Municipalities Act, II.]

(*b*) that in any localities specified in the notice, the construction of only detached buildings will be allowed, or

(*c*) that in any streets, portions of streets or localities specified in the notice, the construction of shops, ware-houses, factories, huts, or buildings of a specified architectural character or buildings

destined for particular uses will not be allowed without the special permission of the council.

(2) No objections to any such declaration shall be received after a period of three months from the publication of such notice.

(3) The council shall consider all objections received within the said period and may then confirm the declaration, and before doing so, may modify it but not so as to extend its effect.

(4) The chairman shall publish any declaration so confirmed and it shall take effect from the date of publication.

(5) No person shall, after the date of publication of such declaration, construct or re-construct any building in contravention of any such declaration.

[New.]
[P.H Act, 1907, 22.]

194. (1) The council may require any building intended to be erected at the corner of two streets to be rounded off or splayed off to such height and to such extent otherwise as they may determine, and may acquire such portion of the site at the corner as they may consider necessary for public convenience or amenity. Buildings at corner of streets.

(2) For any land so acquired the municipal corporation shall pay compensation.

(3) In determining such compensation allowance shall be made for any benefit accruing to the same premises from the improvement of the streets.

[179]

195. No external roof, veranda, pandal or wall of a building shall be constructed or re-constructed of grass, leaves, mats, or other inflammable materials except with the permission of the chairman. Prohibition against use of inflammable materials for buildings without permission.

[187]

196. No door, gate, bar, or ground-floor window which opens on any public street shall be constructed or re-constructed so as to open outwards except with the chairman's licence under section 181. Prohibition against constructing doors, ground floor windows and bars so as to open outwards.

Masonry Buildings.

[City Act, 264.]
[Hill Municipalities Act, 12.]

197. (1) If any person intends to construct or re-construct a masonry building, he shall send to the chairman— Application to construct or re-construct masonry building.

(a) an application in writing for the approval of the site, together with a site-plan of the land, and

(5) an application in writing for permission to execute the work together with a ground-plan, elevations and sections of the building, and a specification of the work.

(2) Every document furnished under sub-section (1) shall contain such particulars and be prepared in such manner as may be required under rules or by-laws.

Necessity for prior approval of site.

198. The chairman shall not grant permission to construct or re-construct a masonry building unless and until he has approved of the site on an application made under section 197.

[City Act, 265.]
[Hill Municipalities Act, 13.]

Prohibition against commencement of work without permission.

199. The construction or re-construction of a masonry building shall not be begun unless and until the chairman has granted permission for the execution of the work.

[180]
[City Act, 266.]
[Hill Municipalities Act, 15.]

Period within which chairman is to signify approval or disapproval.

200. Within thirty days after the receipt of any application made under section 197 for approval of a site, or of any information or further information required under rules or by-laws or within fifteen days after the chairman has been satisfied that there are no objections which may lawfully be taken to the approval of the site, the chairman shall by written order either approve the site or refuse on one or more of the grounds mentioned in section 203 to approve the site:

[City Act, 267.]
[Hill Municipalities Act, 15.]

Provided that the passing of such order shall not in any case be delayed for more than thirty days after the chairman has received all the information necessary to enable him to deal finally with the application.

Period within which chairman is to grant or refuse to grant permission to execute work.

201. Within thirty days after the receipt of any application made under section 197 for permission to execute any work or of any information or of documents or further information or documents required under rules or by-laws or within fifteen days after the chairman has been satisfied that there are no objections which may lawfully be taken to the grant of permission to execute the work, the chairman shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 203 or section 204 to grant it.

[180]
[City Act, 268.]
[Hill Municipalities Act, 15.]

Provided that the said period of thirty days shall not, in any of the cases mentioned in this section, begin to run until the site has been approved under section 200:

Provided also that the making of such order shall not in any case be delayed for more than thirty days after the chairman has received all the information necessary to enable him to deal finally with the application.

[City Act, 270.]
[Hill Municipalities Act, 18.]

Reference to council if chairman delays grant or refusal of approval or permission.

202. (1) If, within the period prescribed by section 200 or section 201, as the case may be, the chairman has neither given nor refused his approval of a building site, or his permission to execute any work, as the case may be, the council shall be bound, on the written request of the applicant, to determine by written order, immediately on the expiration of such period, whether such approval or permission should be given or not.

(2) If the council do not, within one month from the receipt of such written request, determine whether such approval or permission should be given or not, such approval or permission shall be deemed to have been given; and the applicant may proceed to execute the work, but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

[City Act, 271.]
[Hill Municipalities Act, 19.]

Grounds on which approval of site, for, or license to construct or re-construct masonry building, may be refused.

203. The only grounds on which approval of a site for the construction or re-construction of a masonry building or permission to construct or re-construct a masonry building, may be refused, are the following, namely:—

(1) that the work, or use of the site for the work or any of the particulars comprised in the site plan, ground plan, elevations, sections or specification would contravene some specified provision of any law, or some specified order, rule or by-law made under any law;

(2) that the application for such permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any of the documents referred to in section 197 have not been signed as required under rules or by-laws;

(4) that any information or documents required by the chairman under rules or by-laws has or have not been duly furnished.

Whenever the chairman refuses or the council refuse to approve a building site for a masonry building or to grant permission to construct or re-construct a masonry building, the reasons for such refusal shall be specifically stated in the order or resolution.

Special powers for suspending or granting permission to construct masonry buildings.

204. Notwithstanding anything contained in section 203—

(a) if any street shown in the site plan is an intended private street, the chairman may at his discretion refuse to grant permission to construct a masonry building, or to convert one or more huts or temporary structures into a masonry building until the street is commenced or completed, and

[City Act, 272.]
[Hill Municipalities Act, 20.]

(b) the chairman may, for special reasons, grant permission to construct a masonry building, or to convert one or more temporary structures into a masonry building, on any site without reference to its position in relation to any street.

Lapse of permission if not acted upon within one year.

205. If the construction or re-construction of any masonry building is not commenced within one year after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter.

[City Act, 273.]
[Hill Municipalities Act, 21.]

Inspection by chairman.

206 The chairman may inspect any masonry building during the construction or re-construction thereof, or within one month from the date of receipt of the notice given under section 87.

[City Act, 274.]
[Hill Municipalities Act, 22.]

Power of chairman to require alteration of work.

207. (1) If the chairman finds that the work—

[City Act, 275.]
[Hill Municipalities Act, 23.]

(a) is otherwise than in accordance with the plans which have been approved, or

(b) contravenes any of the provisions of this Act or any by-law, rule, order or declaration made thereunder,

he may by notice require the owner of the building within a period stated either—

(i) to make such alterations as may be specified in the said notice with the object of bringing the work into conformity with the said plans or provisions, or

(ii) to show cause why such alterations should not be made.

(2) If the owner does not show cause as aforesaid he shall be bound to make the alterations specified in such notice.

(3) If the owner shows cause as aforesaid, the chairman shall by an order cancel the notice issued under sub-section (1), or confirm the same subject to such modifications as he may think fit.

Stoppage of work endangering human life.

208. Notwithstanding anything contained in any of the preceding sections, the chairman may at any time stop the construction or re-construction of any masonry building if in his opinion the work progress endangers human life.

[181.]
[City Act, 276.]
[Hill Municipalities Act, 24.]

Wells.

[277.]
[City Act, 277, Calcutta Act, schedule XVII, 30 (g).]

209. The provisions of section 197, section 198, section 199, section 205, section 206, section 207, and section 208 shall, so far as may be, be held to apply to a well.

Application of certain sections to wells.

[180.]
[Hill Municipalities Act, 25.]

Huts.

210. (1) Every person who intends to construct or re-construct a hut shall send to the chairman—

Application to construct or re-construct huts.

(*a*) an application for permission to execute the work, and

(*b*) a site-plan of the land.

[181-A.]
[City Act, 278.]
[Hill Municipalities Act, 26.]

(2) Every such application and plan shall contain the particulars and be prepared in the manner required by rule or by-law.

[181-A.]
[City Act, 279.]
[Hill Municipalities Act, 27.]

211. The construction or re-construction of a hut shall not be begun unless and until the chairman has granted permission for the execution of the work on an application sent to him under section 210.

Prohibition against commencement of work without permission.

[City Act, 280.]
[Hill Municipalities Act, 28.]

212. Within fourteen days after the receipt of any application made under section 210 for permission to construct or re-construct a hut or of any information or plan or further information or fresh plan required under rules or by-laws, or within fourteen days after the chairman has been satisfied that there are no objections which may lawfully be taken to the execution of the work, the chairman shall by written order either grant such permission or refuse on one or more of the grounds mentioned in section 214 to grant it:

Period within which chairman is to grant or refuse to grant permission to execute the work.

Provided that the making of such order shall not in any case be delayed for more than fourteen days after the chairman has received all the information which he considers necessary to enable him to deal finally with the application.

[City Act, 282.]
[Hill Municipalities Act, 30.]

213. (1) If within the period prescribed by section 212, the chairman has neither granted nor refused to grant permission to construct or re-construct a hut, the council shall be bound, on the written request of the applicant, to determine by written order immediately on the expiration of such period, whether such permission should be granted or not.

Reference to council if chairman delays passing orders.

(2) If the council do not, within thirty days from the receipt of such written request, determine whether such permission should be granted or not, such permission shall be deemed to have been granted; and the applicant may proceed

to execute the work but not so as to contravene any of the provisions of this Act or any rules or by-laws made under this Act.

Grounds on which permission to construct or re-construct hut may be refused.

214. The only grounds on which permission to construct or re-construct a hut may be refused are the following, namely:— [City Act, 283.] [Hill Municipalities Act, 31.]

(1) that the work or use of the site for the work would contravene some specified provision of any law or some specified order, rule, by-law or declaration, made under any law;

(2) that the application for permission does not contain the particulars or is not prepared in the manner required under rules or by-laws;

(3) that any information or plan required by the chairman under rules or by-laws has not been duly furnished.

Whenever the Chairman refuses or the Council refuse to grant permission to construct or re-construct a hut the reasons for such refusal shall be specifically stated in the order or resolution.

Lapse of permission if not acted upon within six months.

215. If the construction or re-construction of any hut is not commenced within six months after the date on which permission was given to execute the work, the work shall not be commenced until a fresh application has been made and a fresh permission granted under this chapter. [City Act, 284.] [Hill Municipalities Act, 32.]

External walls, alterations and additions.

Maintenance of external walls in repair.

216. The owner or occupier of any building adjoining a public street shall keep the external part thereof in proper repair with lime-plaster or other material to the satisfaction of the chairman. [166 (III).] [City Act, 285.]

Application of provisions to alterations and additions.

217. (1) The provisions of this chapter and of any rules or by-laws made under this Act relating to construction and re-construction of buildings shall also be applicable to any alteration thereof or addition thereto: [City Act, 283.] [Hill Municipalities Act, 33.]

Provided that works of necessary repair which do not affect the position or dimension of a building or any room therein shall not be deemed an alteration or addition for the purposes of this section.

(2) If any question arises as to whether any addition or alteration is a necessary repair not affecting the position or dimensions of a building or room such question shall be referred to the council whose decision shall be final.

[181-B.]
[City Act, 287.]
[Hill Municipalities Act, 34.]

Demolition or alteration of building work unlawfully commenced, carried on or completed.

218. (1) If the chairman is satisfied—

(i) that the construction or re-construction of any building or well—

(*a*) has been commenced without obtaining the permission of the chairman or (where an appeal or reference has been made to the council) in contravention of any order passed by the council, or

(*b*) is being carried on, or has been completed otherwise than in accordance with the plans or particulars on which such permission or order was based, or

(*c*) is being carried on, or has been completed in breach of any of the provisions of this Act or of any rule or by-law made under this Act or of any direction or requisition lawfully given or made under this Act or such rules or by-laws, or

(ii) that any alterations required by any notice issued under section 207 have not been duly made, or

(iii) that any alteration of or addition to any building or any other work made or done for any purpose in, to or upon any building, has been commenced or is being carried on or has been completed in breach of section 217,

he may make a provisional order requiring the owner or the builder to demolish the work done, or so much of it as, in the opinion of the chairman, has been unlawfully executed, or to make such alterations as may in the opinion of the chairman be necessary to bring the work into conformity with the Act, by-laws, rules, direction or requisition as aforesaid, or with the plans and particulars on which such permission or order was based; and may also direct that until the said order is complied with the owner or builder shall refrain from proceeding with the building or well.

(2) The chairman shall serve a copy of the provisional order made under sub-section (1) on the owner of the building or well together with a notice requiring him to show cause within a reasonable time to be named in such notice, why the order should not be confirmed.

(3) If the owner fails to show cause to the satisfaction of the chairman, the chairman may confirm the order with any modification he may think fit to make, and such order shall then be binding on the owner.

Exemptions.

Exemptions.

219. (1) Any building constructed and used, or intended to be constructed and used, exclusively for the purpose of a plant-house, summer-house (not being a dwelling-house), poultry-house or aviary, shall be exempted from the provisions of this chapter other than section 196 provided the building be wholly detached from, and situated at a distance of at least ten feet from, the nearest adjacent building.

[City Act, 288.]

(2) The chairman may grant permission at his discretion on such terms as he may decide in each case to erect for a specified period temporary huts or sheds for stabling, for watching crops, for storing tools or materials, or for other similar purposes. On expiry of the period specified, the chairman may by notice require the owner of such hut or shed to demolish it.

[Hill Municipalities Act, 35.]

Chapter XI.—Nuisances

Dangerous structures, trees and places.

Procedure in case of dangerous structure.

220. (1) If any structure appears to the chairman to be in a ruinous state and dangerous to the passers-by or to the occupiers of neighbouring structures the chairman may by notice require the owner or occupier to fence off, take down, secure or repair such structure so as to prevent any danger therefrom.

[183.]
[G.O. 1144 M., 11th June 1914.]

(2) If immediate action is necessary the chairman shall himself before giving such notice or before the period of such notice expires, fence off, take down, secure or repair such structure or fence off a part of any street or take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner or occupier in the manner provided in section 338.

(3) If in the chairman's opinion the said structure is imminently dangerous to the inmates thereof, the chairman shall order the immediate evacuation thereof and any person disobeying may be removed by any police officer.

Procedure in case of dangerous trees.

221. (1) If any tree or any branch of a tree or the fruit of any tree appears to the chairman to be likely to fall and thereby endanger any person or any structure the chairman may by notice require the owner of the said tree to secure, lop or cut down the said tree so as to prevent any danger therefrom.

[G.O. 1144 M., 11th June 1914.]
[183.]

(2) If immediate action is necessary the chairman shall himself before giving such notice or before the period of such notice expires, secure, lop or cut down the said tree or remove the fruit thereof or fence off a part of any street or take such other temporary measures as he thinks fit to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 339.

[165.]

Precautions in case of dangerous tanks, wells, holes, etc.

222. (1) If any tank, pond, well, hole, stream, dam, bank or other place appears to the chairman to be for want of sufficient repair, protection or enclosure dangerous to the passers-by or to persons living in the neighbourhood, the chairman may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If immediate action is necessary he shall before giving such notice or before the period of notice expires, himself take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 339.

[New.]
[179.]

Precautions against fire.

223. (1) The chairman may by notice require the owner of any structure, booth or tent partly or entirely composed of, or having any external roof, veranda, pandal or wall partly or entirely composed of cloth, grass, leaves, mats, or other highly inflammable materials to remove or alter such tent, booth, structure, roof, veranda, pandal or wall, or may grant him permission to retain the same on such conditions as the chairman may think necessary to prevent danger from fire.

[City Act, 326.]

(2) The chairman may by notice require any person using any place for the storage for private use of timber, firewood, or other combustible things to take special steps to guard against danger from fire.

[Cf. Bombay City Act, 349-D.]

(3) Where the chairman is of opinion that the means of egress from any building are insufficient to allow of safe exit in the event of fire, he may with the sanction of the council by notice require the owner or occupier of the building to alter or re-construct any staircase in such manner or to provide such additional or emergency staircases as he may direct; and when any building, booth or tent is used for purposes of public entertainment he may require, subject to such sanction as aforesaid, that it shall be provided

with an adequate number of clearly indicated exits so placed and maintained as readily to afford the audience ample means of safe egress, that the seating be so arranged as not to interfere with free access to the exits and that gangways, passages, and staircases leading to the exits shall during the presence of the public be kept clear of obstructions.

[Cf. rules under the English Cinematograph Act, 1909.]

Control over waters, etc.

Prohibition of construction of wells, tanks, etc., without the chairman's permission.

224. (1) No new well, tank, pond, cistern, fountain or the like shall be dug or constructed without the permission of the chairman.

[New.]

(2) The chairman may grant permission with or without conditions, or may, for reasons to be recorded by him, refuse it.

[Bombay City Act, 381-A.]

(3) If any such work is begun or completed without such permission, the chairman may either—

(*a*) by notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the chairman shall direct or

(*b*) grant permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Filling in of pools, etc., which are a nuisance.

225. (1) If in the opinion of the chairman—

[New.]
[Bombay City Act, 381.]

(*a*) any pool, ditch, tank, well, pond, bog, swamp, quarry-hole, drain, cess-pool, pit, water-course, or any collection of water, or

(*b*) any land on which water may at any time accumulate

is or is likely to become a breeding-place of mosquitoes or in any other respect a nuisance the chairman may by notice require the owner thereof to fill up, cover over, weed and stock with larvicidal fish, petrolise, drain or drain off the same in such manner and with such materials as the chairman shall direct or to take such order with the same for removing or abating the nuisance as the chairman shall direct.

(2) If an owner on whom a requisition is made under sub-section (1) to fill up, cover over, or drain off a well, delivers to the chairman, within the time specified for compliance therewith written objections to such requisition, the chairman shall report such objections to the council, and shall make further enquiry into the case, and he shall not institute any prosecution for failure to

comply with such requisition except with the approval of the council, but the chairman may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 335 and pending the council's disposal of the question whether the said well shall be permanently filled up, covered over, or otherwise dealt with, may cause such well to be securely covered over so as to prevent the ingress of mosquitoes, and in every such case the chairman shall determine with the approval of the council whether the expenses of any work already done as aforesaid shall be paid by such owner or by the chairman out of the municipal fund or shall be shared, and if so, in what proportions.

[228-A.]

Regulation or prohibition of certain kinds of cultivation.

226. The council on the report of the Sanitary Commissioner that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any place within the limits of the municipality is injurious to the public health may, with the previous sanction of the Governor in Council, by public notice regulate or prohibit the cultivation, use of manure, or irrigation so reported to be injurious:

Provided that when such cultivation, use of manure, or irrigation has been practised during the five years preceding the date of such public notice with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested for any damage caused to them by absolute prohibition.

[188.]

Cleansing of unsanitary private tank or well used for drinking.

227. (1) The chairman may by notice require the owner of or person having control over any private water-course, spring, tank, well or other place, the water of which is used for drinking, bathing or washing clothes to keep the same in good repair and to cleanse it of silt, refuse or decaying vegetation and to protect it from pollution by surface drainage in such manner as the chairman may think fit.

(2) If the water of any place which is used for drinking, bathing or washing clothes, as the case may be, is proved to the satisfaction of the chairman to be unfit for the purpose, the chairman may by notice require the owner or person having control thereof to—

(a) refrain from using or permitting the use of such water, or

(*b*) close or fill up such place or enclose it with a substantial wall or fence.

Duty of corporation in respect of public well or receptacle of stagnant water.

228. The municipal corporation shall maintain in a cleanly condition all wells, tanks and reservoirs which are not private property, and may fill them up or drain them when it appears necessary to do so : [227.]

Provided that no such well or receptacle shall be filled up with any material except building debris, or clean soil, gravel or sand.

Prohibition against or regulation of washing animals or clothes or bathing or drinking in public water-courses, tanks, etc.

229. The council may in the interests of the public health regulate or prohibit the washing of animals, clothes, or other things, or bathing in any public spring, tank, well, public water-course or part thereof within the municipality and may set apart any such place for drinking or for bathing or for washing clothes, or animals, respectively, or for any other specified purpose. [154.]

Prohibition against defiling water of tanks, etc., whether public or private.

230. It shall not be lawful for any person to—

(*a*) bathe in or in any manner defile the water in any place set apart by the council or by the owner thereof for drinking purposes ; or [155.]

(*b*) deposit any offensive or deleterious matter in the dry bed of any place set apart as aforesaid for drinking purposes ; or

(*c*) wash clothes in any place set apart as aforesaid for drinking or bathing ; or

(*d*) wash any animal or any cooking utensil or wool, skins, or other foul or offensive substance or deposit any offensive or deleterious matter in any place set apart as aforesaid for bathing or washing clothes ; or

(*e*) cause or suffer to drain into or upon any place set apart as aforesaid for drinking, bathing or washing clothes, or cause or suffer anything to be brought thereinto or do anything, whereby the water may be fouled or corrupted

Control over abandoned lands, untrimmed hedges, etc.

Untenanted buildings on lands

231. If any building or land, by reason of abandonment, disputed ownership or other cause remains untenanted, and thereby becomes a resort of idle and disorderly persons or in the opinion of the chairman becomes a nuisance, the chairman may after due inquiry by notice require the owner or person claiming to be the owner to secure, enclose, clear or cleanse the same. [184.]

[186 (1).]

232. The chairman may by notice require the owner or occupier of any building or land which appears to him to be in a filthy or unwholesome state, or overgrown with any thick or noxious vegetation, trees or undergrowth injurious to health or offensive to the neighbourhood, to clear, cleanse or otherwise put the land in proper state or to clear away and remove such vegetation, trees or undergrowth within twenty-four hours or such longer period and in such manner as may be specified in the notice.

Removal of filth or noxious vegetation.

[176.]

233. The chairman may by notice require the owner or occupier of any building or land near a public street to—

(*a*) fence the same to the satisfaction of the chairman; or to

(*b*) trim or prune any hedges bordering on the said street so that they may not exceed such height from the level of the adjoining roadway as the chairman may determine; or to

(*c*) cut and trim any hedges or trees overhanging the said street and obstructing it or the view of traffic or causing it damage; or to

(*d*) lower an enclosing wall or fence which by reason of its height and situation obstructs the view of traffic so as to cause danger.

Fencing of buildings or lands and pruning of hedges and trees.

Control over insanitary buildings.

[186 (2).]

234. The chairman, if it appears to him necessary for sanitary purposes so to do, may by notice require the owner or occupier of any building to lime-wash or otherwise cleanse the building inside and outside in the manner and within a period to be specified in the order.

Lime-washing and cleansing of buildings.

[187.]

235. (1) Whenever the chairman considers—

(*a*) that any building or portion thereof is, by reason of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventilation or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is, for any reason, likely to endanger the public health or safety, or

(*b*) that a block or group of buildings is, for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid,

he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owners

Further powers with reference to insanitary buildings.

at the land occupied by such buildings or portions of building, to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reason of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require re-construction, in which cases the municipal corporation shall make compensation to the owner thereof. [G.O. No. 713 M., dated 8th April 1904.]

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towards the compensation payable to the owner of the first-named building in proportion to the increased value acquired by their own property to the full amount of such increased value. [English Housing Act, 1890, 38 (8).]

(4) When any building is so far demolished under this section as to require re-construction, allowance shall be made in determining the compensation for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

286 (1) If any building or portion thereof intended for or used as a dwelling place appears to the chairman to be unfit for human habitation, he may apply to the council to prohibit the further use of such structure for such purpose, and the council may, after giving the owner and occupiers of the structure a reasonable opportunity of showing cause why such order should not be made, make a prohibitory order as aforesaid. [New.]

(2) When any such prohibitory order has been made, the chairman shall communicate the purport thereof to the owner and occupiers of the structure and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier of such structure shall use or suffer it to be used for human habitation until the chairman certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the council withdraw the prohibition.

(3) When such prohibitory order has remained in operation for three months the chairman shall report the case to the council, which shall thereupon consider

whether the structure should not be demolished. The council shall give the owner not less than thirty days' notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the council are of opinion that the structure has not been rendered fit for human habitation and that steps are not being taken with due diligence to render it so fit and that the continuance of the structure is a nuisance or dangerous or injurious to the health of the public or to the inhabitants of the neighbourhood, they shall record a decision to that effect, with the grounds of the decision, and the chairman shall in pursuance of the said decision by notice require the owner to demolish the structure.

(5) If the owner undertakes to execute forthwith the works necessary to render the structure fit for human habitation and the chairman considers that it can be so made fit, the chairman may postpone the execution of the decision of the council for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

[226.]

Abatement of over-crowding in dwelling house or dwelling-place.

237. (1) If it appears to the chairman that any dwelling-house or other building which is used as a dwelling-place, or any room in such dwelling-house or building, is so over-crowded as to endanger the health of the inmates thereof, he may apply to a magistrate to abate such over-crowding; and the magistrate, after such inquiry as he thinks fit to make, may, by written order, require the owner of the building, or room, within a reasonable time not exceeding four weeks to be specified in the said order, to abate such over-crowding by reducing the number of lodgers, tenants or other inmates of the building or room, or may pass such other order as he may deem just and proper.

(2) The council may, by written order, declare what amount of superficial and cubic space shall be deemed for the purposes of sub-section (1) to be necessary for each occupant of a building or room.

(3) If any bilding or room referred to in sub-section (1) has been sublet, the landlord of the lodgers, tenants, or other actual inmates of the same, shall, for the purposes of this section, be deemed to be the owner of the building or room.

(4) It shall be incumbent on every tenant, lodger or other inmate of a building or room to vacate on being required by the owner so to do, in pursuance of any requisition made under sub-section (1).

Control over certain animals.

Prohibition against feeding certain animals on filth. [226-A.]

238. No person shall feed or permit any animal, which is kept for dairy purpose or may be used for food, to be fed on filth.

Prohibition against keeping animal so as to be a nuisance or dangerous. [230-A.]

239. No person shall keep any animal on his premises so as to be a nuisance or so as to be dangerous.

Power to destroy stray pigs and dogs. [230.]

240. (1) The council may, and, if so directed by the district magistrate, shall, give public notice that unlicensed pigs or dogs straying within specified limits will be destroyed.

(2) When such notice has been given any person may destroy, in any manner not inconsistent with the terms of the notice, any unlicensed pig or dog (as the case may be) found straying within such limits.

General.

Power of chairman to use or sell materials of dangerous structure taken down, etc., and procedure when there is no owner or occupier. [185-A.]

241. (1) When the chairman takes down any structure or part thereof or cuts down any tree or hedge or shrub or part thereof or removes any fruit in virtue of his powers under this chapter, the chairman may sell the materials or things taken down, cut down or removed, and apply the proceeds in or towards payment of the expenses incurred.

(2) If after reasonable inquiry it appears to the chairman that there is no owner or occupier to whom notice can be given under any section in this chapter he may himself take such order with the property mentioned in such section as may appear to him to be necessary and may recover the expense incurred by the sale of such property (not being land) or of any portion thereof.

Limitation of compensation. [New.]

242. No person shall be entitled save as provided in sections 225, 226 and 235 to compensation for any damages sustained by reason of any action taken by the municipal authorities in pursuance of their powers under this chapter.

CHAPTER XII.—LICENCES AND FEES.

General provision as to licences.

Exemption of Government from taking out licences. [198.]

243. Nothing in this chapter shall be construed as requiring the Government of India or the local Government to take out

a licence in respect of any place in the occupation or under the control of or any property belonging to such Government.

[188 (5)]
[City Act, 314.]

244. (1) The owner or occupier of any stable, veterinary infirmary, stand, shed, yard, or other place in which quadrupeds are kept or taken in for purposes of profit, shall, in the first month of every year, or in the case of a place to be newly opened, within one month before the opening of such place, apply to the chairman for a licence for the use of the same for any such purpose of profit.

Licence for places in which animals are kept.

(2) The chairman may, by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence:

Provided that this section shall not apply to any such place licensed as a place of public entertainment or resort under the Places of Public Resort Act, 1888.

(3) No person shall without or otherwise than in conformity with a licence use any place for such a purpose.

[188 (a)]
[City Act, 315.]

245. (1) All stables, cattle-sheds and cow-houses shall be under the survey and control of the chairman as regards their site, construction, materials, and dimensions.

General powers of control over stables, cattle-sheds and cow-houses.

(2) The chairman may by notice require that any stable, cattle-shed or cow-house be altered, paved, repaired, disinfected or kept in such a state as to admit of its being sufficiently cleaned or be supplied with water, or be connected with a sewer, or be demolished.

(3) Every such notice shall be addressed to the owner of the building or land to which the stable, cattle-shed or cow-house belongs, or for the use of the occupants of which the same was constructed or is continued.

(4) The expense of executing any work in pursuance of any such notice shall be borne by the said owner.

[New]
[City Act, 316.]

246. If any stable, cattle-shed or cow-house is not constructed or maintained in the manner required by or under this Act, the chairman may by notice direct that the same shall no longer be used as a stable, cattle-shed or cow-house. Every such notice shall state the grounds on which it proceeds.

Power to direct discontinuance of use of buildings as stable, cattle-shed or cow-house.

247. (1) The council may construct or provide and maintain public landing-places halting-places and cart-stands and may levy rents and fees for the use of the same.

Provision of public cattle-stands and sheds.

(2) A statement in English and a vernacular language of the district of any fees prescribed by the council for the use of such place shall be put up in a conspicuous part of every such place where they are leviable. [190]

(3) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as they may think fit.

Purposes for which places may not be used without licence

248. (1) At any time, not being less than sixty days before the end of a year, the council may publish a notification in the district gazette and by beat of drum that after the beginning of the following year no place within municipal limits or at a distance within three miles of such limits shall be used for any one or more of the purposes specified in schedule V without the chairman's licence. [185]

(2) The owner or occupier of every such place shall, not less than thirty days before the end of every year, or, in the case of a place to be newly opened, not less than thirty days before it is opened, apply to the chairman for a licence for the use of such place for such purpose.

(3) The chairman may by an order and under such restrictions and regulations as he thinks fit, grant or refuse to grant such licence.

(4) Every such licence shall expire at the end of the year unless for special reasons the chairman considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein.

Prohibition against erection without permission of machinery which may cause nuisance.

249. (1) No person shall, without the permission of the chairman, erect anywhere a steam-boiler or machinery by the use of which smoke, smell, noise, vibration, dust, or floating particles of combustible or other matter are produced or danger is likely to arise to the inhabitants of the neighbourhood. [New.]

[Calcutta Act, 418 (2).]

(2) The chairman may refuse to give such permission if he is of opinion that such boiler or machinery in the proposed position is objectionable by reason of the density of the population in the neighbourhood or will be a nuisance to the inhabitants of the neighbourhood or may grant such permission under such restrictions and regulations as he thinks fit.

(3) All chimneys in connexion with any steam-boiler or machinery erected

after the commencement of this Act shall be of such height and dimensions as the chairman may determine.

Powers to prohibit working of factory by night and using rice-husk, etc., for fuel

250. The chairman may at any time by general or special order prohibit—

(a) the working between the hours of 9-30 p.m. and 5-30 a.m. of any machinery making a noise or causing vibration if he is of opinion that such noise or vibration will disturb the sleep of the inhabitants of the neighbourhood; or

(b) the use of rice-husk or similar products as fuel in any furnace worked for any industrial purpose, if he is of opinion that a public nuisance is likely to be caused by such use.

[New.]
[Bombay City Act, 293.]

Prohibition of the use of steam whistle or steam-trumpet without permission.

251. (1) No person shall without the permission of the chairman use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The chairman may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using it:

Provided, that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the chairman if he suspends or revokes any such permission for any reason specified in sub-section (5) of section 318.

Slaughtering.

[191 (1).]

Provision of municipal slaughter-houses.

252. (1) The municipal corporation shall provide a sufficient number of places for use as municipal slaughter-houses and may charge rents and fees for their use.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as they may think fit.

(3) Municipal slaughter-houses may be situated within, or with the sanction of the Governor in Council, without the municipality.

[191 (2).]

License for slaughter houses.

253. (1) The owner of any place in the municipality which is used as a slaughter-house for the slaughtering of animals or for the skinning or cutting up of any carcasses, or of any place within three miles of the municipal limits which is used as a slaughter-house for the slaughtering of animals intended for food to be consumed within the municipality, shall in the first month of every year or,

in the case of a place to be newly opened, one month before the opening of the same, apply to the chairman for a licence.

(2) The chairman may by an order and subject to such restrictions and regulations as to supervision and inspection as he thinks fit, grant or refuse to grant such licence.

Slaughter of animals during festivals and ceremonies

254. The chairman may allow any animal to be slaughtered in such places as he thinks fit on occasions of festivals and ceremonies or as a special measure [191 (4)]

Slaughter of animals for sale as food.

255. No person shall slaughter within the municipality, except in a public or licensed slaughter-house, any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass without or otherwise than in conformity with a licence from the chairman, or dry or permit to be dried any skin in such a manner as to cause a nuisance: [192]

Provided that the chairman may authorize any person to slaughter, without licence and without the payment of any fee, any animal for the purpose of a religious ceremony.

The Milk Trade.

Regulation of milk trade.

256. (1) No person shall without or otherwise than in conformity with a licence from the chairman—

(*a*) carry on within the municipality the trade or business of a dealer in or importer or seller or hawker of milk or dairy-produce;

(*b*) use any place in the municipality for the sale of milk or dairy-produce. [Hill Municipalities Act, 42]

(2) Such licence may be refused or may be granted either unconditionally or upon conditions specified by the chairman which may extend to the construction, ventilation, conservancy, supervision and inspection of the premises, whether within or without municipal limits, where the cows from which the milk-supply is derived are kept.

Markets, Butchers, Fishmongers, Hawkers.

Public markets.

257. All markets which are constructed, repaired or maintained out of the municipal fund shall be deemed to be public markets. [City Act, 336.]

Powers in respect of public markets.

258. (1) The council may provide places for use as public markets. [194]

(2) The council may charge such rents and fees as they think fit for the use of public markets, or the right to expose

goods for sale therein and for the use of any shop, stall, pen or stand therein, and may place the collection of such rents and fees under the management of such persons as may appear to them proper or may farm out such rents and fees on such terms and subject to such conditions as they may deem fit.

(3) The council may, with the sanction of the Governor in Council, close any public market or part thereof.

[195]

Chairman's control over public markets.

259. (1) No person shall without the permission of the chairman, or if the rents and fees have been farmed out, of the farmer, sell or expose for sale any animal or article within any public market.

[194 (3)]

(2) The chairman may expel from any public market any person who or whose servant has been convicted of disobeying any by-laws at the time in force in such market and may prevent such person from further carrying on by himself or his servants or agents, any trade or business in such market, or occupying any shop, stall or other place therein, and may determine any lease or tenure which such person may possess in any such shop, stall or place.

[I.L.R., 17 Calc., 829]
[195]

Licensing of private markets.

260. (1) Every person intending to open a new private market or to continue to use a private market shall obtain from the council a licence to do so.

(2) Applications for licences to open newly or to continue to use private markets shall be made by the owners thereof not less than six weeks before they open them or before the beginning of the year during which they intend to continue to use them, as the case may be.

(3) The council, as regards private markets lawfully established, shall, and as regards new private markets, may at their discretion, grant any licence applied for under this section either unconditionally or subject to such regulations as to supervision and inspection and to such conditions as to conservancy and other matters as they think fit, or they may refuse to grant any such licence for any new private market. They may also at any time for breach of the conditions thereof suspend or cancel any licence which has been granted under this section. They may also modify the conditions of the licence, such modification to take effect from the beginning of the following year.

(4) When a licence to open a market is granted or when a licence is refused,

suspended, cancelled or modified under this section, the council shall cause a notice of such grant, refusal, suspension, cancellation or modification in English and a vernacular language of the district, to be posted in some conspicuous place at or near the entrance to the place in respect of which the licence was sought.

(5) Every licence granted under this section shall expire at the end of the year.

Sale in unlicensed private markets. [197]

261. It shall not be lawful for any person to sell or expose for sale any animal or article in any unlicensed private market.

Powers of council in respect of private markets. [200]

262. The council may by notice require the owner, occupier, or farmer of any private market to—

(*a*) construct approaches, entrances, passages, gates, drains and cess-pits for such market and provide it with latrines of such description and in such position and number as the council may think fit;

(*b*) roof and pave the whole or any portion of it or pave any portion of the floor with such material as will in the opinion of the council secure imperviousness and ready cleansing;

(*c*) ventilate it properly and provide it with a supply of water;

(*d*) provide passages of sufficient width between the stalls and make such alterations in the stalls, passages, shops, doors or other parts of the market as the council may direct; and

(*e*) keep it in a cleanly and proper state and remove all filth and refuse therefrom.

Suspension or refusal of licence in default. [201 (1)]

263. (1) If any person after notice given to him in that behalf by the council fails within the period and in the manner laid down in the said notice to carry out any of the works specified in section 262 the council may suspend the licence of the said person, or may refuse to grant him a licence, until such works have been completed.

(2) It shall not be lawful for any person to open or keep open any such market after such suspension or refusal.

Prohibition against nuisances in private markets. [201 (2)]

264. No owner, occupier, agent or manager in charge of any private market, or of any shop, stall, shed or other place therein shall keep the same so that it is a nuisance or fail to cause anything that is a nuisance to be at once removed to a place to be notified by the council.

"265. The council or any officer duly authorized by them in that behalf may close any private market in respect of which no licence has been applied for or any private market the licence for which has been refused, withheld, or suspended. Power to close private markets.

[202]

[205-A]

266. The person in charge of a market shall prevent the entry therein or expel therefrom any person suffering from leprosy in whom the process of ulceration has commenced or from any infectious or contagious disease who sells or exposes for sale therein any article or who, not having purchased the same, handles any articles exposed for sale therein, and he may expel therefrom any person who is creating a disturbance therein. Duty of expelling lepers, etc., from markets and power to expel disturbers.

191

267. (1) No person shall, without or otherwise than in conformity with a licence from the chairman, carry on the trade of a butcher, fishmonger or poulterer, or use any place for the sale of flesh or fish intended for human food in any place within municipal limits or at a distance within three miles of such limits: Butcher's, fishmonger's and poulterer's licences.

Provided that no licence shall be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight and hermetically sealed receptacles.

(2) The chairman may by an order and subject to such restrictions as to supervision and inspection as he thinks fit, grant or refuse to grant such licences.

(3) Every such licence shall expire at the end of the year in which it is granted unless for special reasons the chairman considers it should expire at an earlier date; when it shall expire at such earlier date as may be specified therein.

268. The chairman may, with the sanction of the council, prohibit by public notice or license or regulate the sale or exposure for sale, of any articles in or on any public street or part thereof. Power to prohibit or regulate sale of articles in public streets.

[203]

Inspection of places for sale, etc.

269. It shall be the duty of the chairman to make provision for the constant and vigilant inspection of animals, carcasses, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, milk, ghi, butter, oil, and any other articles exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or of preparation for sale. Duty of chairman to inspect.

[City Act, 353]

Powers of chairman for purposes of inspection.

273. (1) The chairman or any person authorized by him in writing for the purpose may without notice enter any slaughter-house or any place where animals, poultry or fish intended for food are exposed for sale or where articles of food are being manufactured or exposed for sale at any time by day or night, when the slaughter, exposure for sale or manufacture is being carried on and inspect the same and any utensil or vessel used for manufacturing, preparing or containing any such article. [City Act, 352]

(2) If the chairman or any person so authorized by him has reason to believe that in any place any animal intended for human food is being slaughtered or any carcass is being skinned or cut up or that any food is being manufactured, stored, prepared, packed, cleansed, kept or exposed for sale, or sold without, or otherwise than in conformity with a licence he may enter any such place without notice, at any time by day or night for the purpose of satisfying himself whether any provision of laws, by-laws or regulations or any condition of a licence is being contravened.

(3) No claim shall lie against a chairman or any person acting under his authority or the corporation for any damage or inconvenience necessarily caused by the exercise of powers under this section or by the use of any force necessary for effecting an entry into any place under this section. [New]

(4) In any legal proceedings in respect of powers exercised under this section in which it is alleged that any animals, poultry, fish or articles of food were not kept, exposed, hawked about, manufactured, prepared, stored, packed, or cleansed for sale, or were not intended for human food, the burden of proof shall lie on the party so alleging.

Preventing inspection by chairman. 271. No person shall in any manner whatsoever prevent the chairman or person duly authorized by him exercising his powers under the last preceding section. [New]

Power of chairman to seize diseased animal, noxious food, etc.

272. If any animal, poultry or fish intended for food appears to the chairman or to a person duly authorized by him, to be diseased, or any food appears to him to be noxious, or if any vessel or utensil used in manufacturing, preparing or containing such article appears to be of such kind or in such state as to render the article noxious, he may seize or carry

[City Act, 354.]

away or secure such animal, article, utensil, or vessel, in order that the same may be dealt with as hereinafter provided.

Explanation.—Meat subjected to the process of blowing shall be deemed to be noxious.

Removing or interfering with article secured.

[New.]

273. No person shall remove or in any way interfere with an animal or article secured under the last preceding section.

Power to destroy article seized.

[City Act, 355.]

274. (1) When any animal or article of food is seized under section 272 it may, with the consent of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale, and if the article is perishable, without such consent.

(2) Any expenses incurred in destroying any animal or article under subsection (1), shall be paid by the owner or person in whose possession it was at the time of its seizure.

Production of articles, etc., seized before magistrate and powers of magistrate to deal with them.

275. (1) Articles of food, animals, poultry, fish, utensils, vessels, etc., seized under section 272 and not destroyed under section 274 shall as soon as possible be produced before a magistrate.

(2) Whether or not complaint is laid before a magistrate of any offence under the Indian Penal Code or under this Act, if it appears to the magistrate on taking such evidence as he thinks necessary that any such animal, poultry or fish is diseased, or any such article is noxious or any such utensil or vessel is of such kind or in such state as is described in section 272 he may order the same,

[City Act, 356.]

(*a*) to be forfeited to the council;

(*b*) to be destroyed at the charge of the owner or person in whose possession it was at the time of seizure, in such manner as to prevent the same being again exposed or hawked about for sale, or used for human food or for the manufacture or preparation of, or for containing, any such article as aforesaid.

Disposal of the dead

Registration or closing of unused places for disposal of dead.

[285]

276. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act, as a place for burying, burning, or otherwise disposing of the dead shall, if such place be not already registered, apply to the council to have such place registered.

(2) If it appears to the council that there is no owner or person having the control of such place they shall assume

such control and register such place, or may, with the sanction of the Governor in Council, close it.

Licensing of places for disposal of dead.

277. (1) Saving as provided in section 243 no new place for the disposal of the dead, whether public or private, shall be opened, formed, constructed, or used unless a licence has been obtained from the council on application.

(2) Such application for a licence shall be accompanied by a plan of the place to be registered, showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the council may require.

(3) The council may—

(*a*) grant or refuse a licence or

(*b*) postpone the grant of a licence until objections to the site have been removed or any particulars called for by them have been furnished.

Provision of burial and burning grounds and crematoria within or without municipality.

278. (1) The council may, and shall if no sufficient provision exists, provide at the cost of the municipal fund places to be used as burial or burning grounds or crematoria, either within or without the limits of the municipality, and may charge rents and fees for the use thereof.

(2) The council may farm out the collection of such rents and fees for any period not exceeding three years at a time and on such terms and conditions as they may think fit.

(3) If the council provide any such place without the limits of the municipality, all the provisions of this Act and all by-laws framed under this Act for the management of such places within the municipality shall apply to such place.

Register of registered, licensed and provided places and prohibition of use of other places.

279. (1) A book shall be kept at the municipal office in which the places registered, licensed, or provided under sections 276, 277 or 278 and all such places registered, licensed or provided before the commencement of this Act, shall be recorded, and the plans of such places shall be filed in such office.

(2) No person shall bury, burn or otherwise dispose of any corpse except in a place which has been registered, licensed or provided, as aforesaid.

Report of burials and burnings.

280. The person having control of a place for disposing of the dead shall give information of every burial, burning or other disposal of a corpse at such place to any person appointed by the chairman in that behalf.

[240]

[G.O. 1329 L., 13th October 1904.
G.O. 168 M., 9th February 1909.]

281. (1) If the council are satisfied —

Prohibition against use of burial and burning grounds dangerous to health or overcrowded with graves.

(a) that any registered or licensed place for the disposal of the dead is in such a state or situation as to be, or to be likely to become, dangerous to the health of persons living in the neighbourhood thereof, or

(b) that any burial ground is overcrowded with graves,

and if in the case of a public burial or burning ground or other place as aforesaid another convenient place duly authorized for the disposal of the dead exists or has been provided for the persons who would ordinarily make use of such place,

they may, with the previous sanction of the Governor in Council, give notice that it shall not be lawful after a period to be named in such notice to bury, burn or otherwise dispose of any corpse at such place.

(2) Every notice given under subsection (1) shall be published in the district gazette and by beat of drum.

(3) After the expiry of the period named in such notice it shall not be lawful to bury, burn or otherwise dispose of a corpse at such place.

Prohibitions in respect of corpses.

282. No person shall—

(a) bury or cause to be buried any corpse or part thereof in a grave whether dug or constructed of masonry or otherwise, in such manner that the surface of the coffin, or the surface of the body where no coffin is used, is at a less depth than five feet from the surface of the ground, or

[241]

(b) build or dig or cause to be built or dug any grave in any burial-ground at a less distance than two feet from the margin of any other existing grave; or

(c) without the sanction in writing of the chairman, or an order in writing of a magistrate, re-open a grave already occupied; or

(d) convey or cause to be conveyed a corpse or part thereof to any burial or burning ground, and not cause the burial or burning of the same to commence within six hours after its arrival at such place; or

(e) when burning or causing to be burnt a corpse or part thereof permit the same or any part thereof or its clothes to remain without being completely reduced to ashes, or

(f) carry through any street a corpse or part thereof not decently covered; or

(*g*) while carrying a corpse or part thereof within the municipality leave the same in or near any street for any purpose whatever; or

(*h*) remove, otherwise than in a closed receptacle, any corpse or part thereof kept or used for the purpose of dissection.

[242]

Grave-diggers' license

283. No person shall discharge the office of a grave-digger or other attendant at a public place for the disposal of the dead (other than a place provided by the Government) unless he has been licensed in that behalf by the chairman. Such licence may be withdrawn or cancelled at the discretion of the council.

CHAPTER XIII.

VITAL STATISTICS AND FOR PREVENTION OF DISEASE.

Vital statistics.

[243-9]

Compulsory registration of vital statistics.

284. (1) The municipal corporation shall register all births and deaths occurring in the municipality.

(2) Such registration shall be made and enforced in the prescribed manner.

Dangerous diseases.

[New.]

Definition of "dangerous disease."

285. "Dangerous disease" means a disease specified in schedule VI.

Obligation of medical practitioner or owner or occupant of house to report dangerous disease.

286. (1) If any medical practitioner becomes cognisant of the existence of any dangerous disease in any private or public dwelling (not being a public hospital) in the municipality, he shall inform the chairman with the least practicable delay.

[New.]

(2) The information shall be communicated in such form and with such details as the chairman may require. The chairman may pay a fee not exceeding eight annas for each intimation by a private medical practitioner of a case occurring in his practice.

(3) This section shall apply to a hakim or a vaidyan.

(4) With the previous approval in all cases of the Collector of the district the chairman may direct the compulsory notification by the owner or occupier of every house within the municipal limits during such period and to such officer as the chairman may prescribe of all deaths from or occurrence of dangerous diseases in his house.

[231 (1) & (2).]
[City Act, 384.]

Power of entry into suspected places.

287. The chairman may at any time by day or by night without notice, or after giving such notice as may appear to him

[G.O. 127 M., 30th January 1899.]

reasonable, inspect any place in which any dangerous disease is reputed or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place.

[231 (3).]

Disinfection of buildings and articles.

288. (1) If the chairman is of opinion that the cleansing or disinfecting of any premises or part thereof, or of any article therein which is likely to retain infection, will tend to prevent or check the spread of any dangerous disease, he may by notice require the occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

(2) If the chairman considers that immediate action is necessary, or that the occupier is, by reason of poverty or otherwise, unable effectually to comply with his requisition the chairman may himself, without notice, cause such building or article to be cleansed or disinfected and for this purpose may cause such article to be removed from the premises; and the expenses incurred by the chairman shall be recoverable from the said occupier in cases in which he is, in the opinion of the chairman, not unable by reason of poverty effectually to comply with such requisition.

[232]

Provision of places for disinfection and power to destroy infected articles.

289. (1) The chairman shall from time to time notify places at which conveyances, clothing, bedding, or other articles which have been exposed to infection from any dangerous disease shall be washed or disinfected.

(2) The chairman may direct any clothing, bedding or other articles likely to retain such infection to be disinfected or destroyed and shall, on demand, give compensation for any article destroyed under this sub-section.

(3) No person shall wash such clothing or bedding or other articles in any places other than those set apart for such purposes under sub section (1).

[231-A]

Prohibition against transfer of infected articles.

290. No person shall, without previously disinfecting it, give, lend, let, hire, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any dangerous disease:

Provided that nothing in this subsection shall apply to a person who transmits with proper precautions any article for the purpose of having it disinfected.

[232-A]

Power of council to prohibit use of water likely to spread infection.

291. If the chief medical officer of the district certifies that the water in any well, tank or other place within the limits of the municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the council may, by public notice, prohibit the removal or use of such water for drinking and domestic purposes during a specified period.

[233]

[G.O. 1240 M., 4th August 1911.]

Chairman may order removal of patients to hospital.

292. When a hospital or other place for the reception of persons suffering from dangerous diseases is provided by the municipal corporation the chairman may, on a certificate signed by a medical practitioner registered under the Madras Medical Registration Act, 1914, arrange for, or direct the removal to such hospital or place of any person suffering from a dangerous disease who is, in the opinion of such medical practitioner, without proper lodging or accommodation, or without medical supervision directed to prevent the spread of the disease, or who is in a room occupied by more than one family.

[New.]

[P.H. Act, 1907, 52.]

[G.O. 70 M., 16th January 1911.]

Prohibition against infected person carrying on occupation.

293. If any person knows he is suffering from a dangerous disease he shall not engage in any occupation, or carry on any trade or business unless he can do so without risk of spreading the disease.

[233-A.]

Prohibition against diseased person entering public conveyance.

294. (1) No person who is suffering from any dangerous disease shall without taking proper precautions against spreading such disease, cause or suffer himself to be conveyed in a public conveyance.

(2) No person who is suffering from any dangerous disease shall enter a public conveyance without previously notifying to the owner or driver or person in charge of such conveyance that he is so suffering.

(3) No owner, driver, or person in charge of a public conveyance shall knowingly carry or permit to be carried in such conveyance any person suffering as aforesaid in contravention of sub-section (1).

[New.]

(4) No owner or driver or person in charge of a public conveyance shall be bound to convey any person suffering as aforesaid, unless and until the said person pays or tenders a sum sufficient to cover any loss and costs that may be incurred in disinfecting such conveyance, anything in any Act relating to public conveyances for the time being in force to the contrary notwithstanding.

[233-B.]

(5) A court convicting any person of contravening sub-section (1) or sub-section (2) may levy, in addition to the

penalty for the offence provided in this Act, an additional fine of such amount as the court deems sufficient to cover the loss and costs which the owner or driver must incur for the purpose of disinfecting the conveyance. The amount of any additional fine so imposed shall be awarded by the court to the owner or driver of the conveyance:

Provided that if such additional fine is imposed in a case which is subject to appeal the amount shall not be paid to the owner or driver before the period allowed for presenting the appeal has elapsed; or, if an appeal is presented, before the decision of the appeal.

(6) At the time of awarding compensation in any subsequent civil suit relating to the same matter the court shall take into account any sum which the plaintiff shall have received under this section.

Letting of infected buildings.

295. (1) No person shall let or sublet or for that purpose allow any person to enter a building or any part of a building in which he knows or has reason to know that a person has been suffering from any dangerous disease without having the same and all articles therein liable to retain infection disinfected to the satisfaction of the chairman.

[233-O.]

(2) For the purposes of sub-section (1), the keeper of a hotel or lodging-house shall be deemed to let the same or part of the same to any person accommodated therein.

Smallpox

Compulsory vaccination.

296. (1) Vaccination shall be compulsory in every municipality to the extent prescribed by rules made by the Governor in Council.

[133]

(2) The procedure prescribed in such rules for enforcing vaccination shall be observed

Obligation to give information of smallpox.

297. Where an inmate of any dwelling place is suffering from smallpox the head of the family to which the inmate belongs and in his default, the occupier or person in charge of such place, shall inform the chairman with the least practicable delay.

[Now]

Prohibition of inoculation for smallpox.

298. (1) Inoculation for smallpox is hereby prohibited.

(2) No person who has undergone the operation of inoculation shall enter any municipality before the lapse of forty days from the date of inoculation without a certificate, from a medical practitioner of such class as the council may authorize to grant such certificates, stating that such person is no longer likely to produce smallpox by contact or near approach.

[142]

PART V. SUBSIDIARY LEGISLATION AND PENALTIES.

CHAPTER XIV

RULES, BY-LAWS AND REGULATIONS.

Rules and schedules.

Power of local Government to frame forms and make rules.

289. (1) The Governor in Council may frame forms for any proceedings of a council for which he considers a form should be provided, and may make rules not inconsistent with this Act—

[250.]

(*a*) with respect to the election of councillors as to the following matters:—

[250 (*a*) (i).]

(i) the qualification of voters and candidates;

[250 (*a*) (iii).]

(ii) the provision, if any, to be made for the special representation of any classes of the community;

[250 (*a*) (iv).]

(iii) the registration of voters and, when a municipality has been divided into wards under section 99, the prevention or restriction of the registration of any person as a voter for more than one ward;

[250 (*a*) (v).]

(iv) the nomination of candidates, the time of election and the mode of recording votes,

[250 (*a*) (vi).]

(v) the conduct of enquiries relating to elections; the persons by whom such enquiries should be held; appeals against and revision of the orders of such persons or the finality of such orders; the procedure to be observed in regard to applications, appeals and petition for revision, the levy of court fees, the payment and forfeiture of deposits, the award of costs and the like; and

[G.O. 687 M., 28th April 1909.]

(vi) any other matters regarding the system of representation and election for which it may seem expedient to provide,

[250 (*a*) (vii).]

(*b*) with respect to the election of chairmen and vice-chairmen;

[250 (*b*).]

(*c*) limiting the expenditure on municipal establishment or on any particular class of appointment that may be sanctioned by all or any municipal councils;

[G.O. 1592 M., 22nd August 1914.]

(*d*) as to the qualifications, appointment, fining, suspension, reduction and dismissal of municipal officers and servants and appeals by such officers and servants from the chairman's orders punishing them;

[250 (*c*).]
[42 (3).]

(*e*) with respect to the delegation of executive powers by the chairman;

[250 (*g*).]

(*f*) as to the conditions on which property may be acquired by the municipal corporation or on which property

vested in or belonging to the municipal corporation may be transferred by sale, mortgage, lease, exchange or otherwise;

[250 (e).]

(g) as to the age of retirement, pensions, gratuities and compassionate allowance of municipal officers and servants;

[New.]

(h) as to the matters mentioned in rule 38 of the Taxation and Finance Rules in schedule IV; as to the conditions on which grants-in-aid shall be paid from the municipal fund for purposes of education and medical relief and as to the conditions on which grants and loans may be made to co-operative building societies;

[250 (e) and (f).]

(i) as to the intermediate offices, if any, through which correspondence between the municipal authorities and the Governor in Council or officers of the Government shall pass;

[250 (h).]

(j) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of the municipal corporation and the power of the municipal authorities or Government officers or the Sanitary Board to accord professional or administrative sanction to estimates;

[250 (i).]

(k) as to the accounts to be kept by the municipal corporation, the manner in which such accounts shall be audited and published and the power of auditors in respect of disallowance and surcharge;

[250 (j).]

(l) as to the estimates of receipts and expenditure, returns, statements and reports to be submitted by municipal corporations;

[250 (k).]

(m) as to the mode in which the officers of Government shall advise and assist municipal corporations in carrying out the purposes of this Act;

[250 (m).]

(n) as to the interpellation of the chairman by the members of the council;

(o) as to the moving of resolutions at the meetings of the Council;

(p) for the distribution between local authorities of the Presidency of Madras of the proceeds of a surcharge on income-tax levied by such authorities under sections 77 and 113 of this Act or under any other Act;

(q) as to building under section 191;

(r) as to the registration of vital statistics under section 284, the form of registers and returns of births and deaths and the manner in which the registers shall be maintained, the dates on which returns shall be made and the officer to whom returns shall be sent; and

(s) as to the enforcement of vaccination under section 296; and

(*i*) generally for the guidance of municipal authorities and public officers in all matters connected with the carrying out of this Act.

Power of persons conducting election and other enquiries.

(2) All persons authorized by rule to conduct enquiries relating to elections and all inspecting or superintending officers holding any enquiries into matters falling within the scope of their duties, shall have for the purposes of such enquiries the same powers in regard to the issue of summonses for the attendance of witnesses and the production of documents as are conferred upon revenue officers by the Madras Revenue Summonses Act, 1869, and the provisions of sections 2, 3, 4 and 5 of that Act shall apply to summonses issued and to persons summoned by virtue of the powers conferred by this section; and all persons to whom summonses are issued by virtue of the said powers shall be bound to obey such summonses.

(3) Rules made and forms framed under this section by the Governor in Council shall be made or framed subject to the condition of previous publication and shall have the force of law.

(4) In making any rule the Governor in Council may provide that a breach thereof shall be punishable with a fine which may extend to one hundred rupees.

Effect of schedules.

300. The schedules attached to this Act shall have effect as if enacted in the body of this Act until cancelled in part or altered or added to and if altered or added to shall have the like effect as altered or added to and all references to the said schedules shall be construed as made to such schedules as cancelled in part or altered or added to.

[New.]
[Cl. City Act, 413 (2) and (3).]

Power of local Government to amend and cancel schedules.

301. (1) The Governor in Council may after previous publication of a draft cancelling in part, altering or adding to schedule V (Purposes for which premises may not be used without a licence under section 248), or schedule VI (List of dangerous diseases), alter, add to or cancel the same in part either in respect of all municipalities or, with the consent of the municipal council, in respect of any particular municipality.

[G.O. 1657 M., 8th October 1909.]

(2) The Governor in Council may after previous publication of a draft adding to the list of hill stations in schedule II, add other places to the said list.

[96 E.]

(3) The provisions of section 7 of the Madras General Clauses Act, 1891, shall apply to drafts published under this section.

By-laws.

[255 (1) (i).]

[City Act, 409 (4).]

[255 (1) (ii)
[City Act, 409 (5).]

[Now.]

[255 (1) (iii)]

[255 (1) (iii).]

[Now]

[255 (1) (iv).]

[G.O. 811 M., 23rd February 1910.]
[G.O. 1687 M., 8th October 1909.]

Power of council to make by-laws

302. The municipal council may make by-laws not inconsistent with any provision of law, or with any rules made under any provision of law, to provide—

(1) for the due performance by all municipal officers and servants of the duties assigned to them;

(2) for the regulation of the time and mode of collecting duties, taxes and tolls under this Act;

(3) for the use of public tanks, wells, conduits and other places or works for water-supply, the maintenance and protection of water-supply, lighting and drainage systems, the conditions on which house connexions may be made, the protection of the water-supply from contamination, the measurement of water, the compulsory provision of cisterns and meters, the prevention of waste of water, the situation, mode of construction and materials and the cleansing of house-drains, water-closets, latrines, earth-closets, ash-pits and cess-pools, the keeping of water-closes supplied with sufficient water for flushing, the testing of water pipes and drains in private premises, and the recovery or the apportionment of the cost of such testing, the breaking up of ground or of buildings for the purpose of such testing, and the payment or apportionment of the cost thereof, the apportionment of money payable on account of pipes or drains common to more premises than one, the supply of water in case of fire, the licensing of plumbers and fitters; and, in general, the effective operation of the water-supply lighting and drainage systems and the management of all matters connected with conservancy in the interests of the health and well-being of the inhabitants of the municipality;

(4) for regulating or prohibiting the planting of trees;

(5) for regulating the use of water-courses, springs, wells and tanks for the purpose of drinking and washing clothes and animals;

(6) for securing cleanliness, safety and order in the streets, for the regulation of traffic, the regulation of the use of public and municipal streets, the closing thereof, or of parts thereof to, or their reservation for particular kinds of traffic; regarding the loads of vehicles and the width of tyres; for the regulation of the use of parks, gardens and other public or municipal places, and the protection of avenues, trees, grass and other appurtenances of such streets and other places;

(7) for regulating building and the laying out of streets and for determining the information and plans to be submitted with applications for permission to construct or re-construct buildings or to lay out streets ; [New, but cf. Hill Municipalities Act, 5.]

(8) for regulating or prohibiting the digging of excavations, cess-pools, tanks or pits within the municipal area or any portion thereof except with the permission of the council and specifying the conditions subject to which such permission may be given ; [New.]

(9) for the sanitary control and supervision of places used for any of the purposes specified in schedule V and of any trade or manufacture carried on therein ; [New] [City Act, 409 (13).]

(10) for the control and supervision of slaughter-houses and of methods of slaughtering and of places used for skinning and cutting up carcasses and for the control and supervision of butchers carrying on business in the municipality or at any slaughter-house without the municipality provided or licensed by the municipal corporation ; [255 (i) (iii).] [City Act, 409 (14).]

(11) for the regulation, inspection and control of the use of public and private markets, and shops and other places therein and for the control and regulation of the sanitary condition of the same ; [New] [City Act, 409 (15).]

(12) for prescribing the method of sale of articles whether by measure, weight, tale or piece ; [New] [City Act, 409 (16).]

(13) for prescribing and providing standard weights, scales and measures and preventing the use of any others ; [New] [G.O. 1093 M., 11th August 1903. City Act, 409 (17) ; Burma Act, 142.]

(14) for the prevention of the sale or exposure for sale of unwholesome meat, fish or provisions and securing the efficient inspection and sanitary regulation of shops in which articles intended for human food are kept or sold ;

(15) for regulating the manner in which stables and cattle-sheds are to be constructed and connected with the municipal drains ; [New, but cf. Hill Municipalities Act, 5, and City Act, 409 (20).]

(16) for the inspection of milch-cattle and for the regulation of the ventilation, lighting, cleaning, drainage and water-supply of dairies and cattle-sheds (whether within or without municipal limits) in the occupation of persons following within the municipality the trade of dairy-man or milk-seller ; [New, but cf. Hill Municipalities Act, 5, and City Act, section 409 (21).]

(17) for enforcing the cleanliness of milk-stores and milk shops and of vessels and utensils used by the keepers thereof or by hawkers for containing or measuring milk or preparing any milk product ; [New.] [City Act, 409 (22).]

[New]
[City Act, 409 (23)]

(18) for requiring notice to be given whenever any milch-animal is affected with any contagious disease and for requiring precautions to be taken in order to protect milch-cattle and milk against infection and contamination;

[New.]
[City Act, 409 (24)]

(19) for the prevention of dangerous diseases of men or animals;

[New.]
[G.O. No. 654 M., dated 4th April 1866. G.O. No. 605 M., dated 25th April 1911.]

(20) for the regulation of hotels, lodging-houses, boarding-houses, choultries, rest-houses, emigration depots, restaurants, eating-houses, cafes, refreshment rooms, coffee-houses, and any other premises where the public are provided with accommodation, food or drink;

[New]
[255 (1) (iii)]

(21) for the enforcement of compulsory vaccination;

(22) for the regulation of burial and burning-grounds and other places for the disposal of corpses; for the levy of fees for the use of such burial and burning grounds and crematoria as are maintained by the municipality; for the verification of deaths and the causes of death; for the regulation of the period for which corpses must be kept for inspection, the period within which corpses must be conveyed to a burial or burning ground and the mode of conveyance of corpses through public places;

[New]

(23) for the registration of births, deaths and marriages;

[New]

(24) for the enumeration of the inhabitants of the municipality;

[New]

(25) for the prevention of outbreaks of fire;

[255 (1) (v) and (vi)]

(26) for the prohibition and regulation of advertisements in public streets or parks;

(27) in general for securing cleanliness, safety, order and amenity and the good government and well-being of the municipality and carrying out all the purposes of this Act.

Power to give retrospective effect to certain by-laws.

303. By-laws with regard to the drainage of, and supply of water to, buildings and water closets, earth-closets, privies, ash-pits and cesse-pools in connexion with buildings and the keeping of water-closets supplied with sufficient water for flushing may be made so as to affect buildings erected before the passing of the by-laws or this Act.

[New]
[Public Health Act, 1890, 23 (2)]

By-laws to regulate alterations of buildings.

[New]
[Public Health Act, 1890, 23 (4).]

304. The municipal council may make by-laws to prevent buildings which have been erected according to law, rules or by-laws from being altered in such a way that if at first so constructed they would have contravened the law, rules or by-laws.

Penalty for breaches of by-laws.

305. In making a by-law, the municipal council may provide that a breach thereof shall be punishable [255 (2)]

(*a*) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach, or

(*b*) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the chairman to discontinue such breach.

Confirmation of by-laws by local Government.

306 (1) No by-law or cancellation or alteration of a by-law shall have effect until the same shall have been approved and confirmed by the Governor in Council. [255 (3) and (4)]

(2) All by-laws, when they shall have been duly confirmed, shall have the force of law

Conditions precedent to making of by-laws.

307. (1) The municipal council shall before making or altering by-laws publish a draft of the proposed by-laws and alterations together with a notice specifying a date at or after which such draft will be taken into consideration, and shall, before making the by-laws or [256] alterations, receive and consider any objection or suggestion which may be made in respect of such draft by any person interested therein before the date so specified.

(2) Such by-laws and alterations thereof shall be published in the District Gazette in English and a vernacular language of the district and shall not come into operation (unless the Governor in Council shall for some special reason otherwise direct) until three months after they have been so published.

Publication of rules, by-laws and regulations.

Copies of Act, rules and by-laws to be sold at municipal office

308. Complete copies in English and in a vernacular language of the district—

(*a*) of this Act, [257]

(*b*) of all rules framed by the Governor in Council under clauses (*a*) and (*b*) of section 299 and

(*c*) of all by-laws in force for the time being,

shall be kept at the municipal office and shall be sold to the public at cost price.

Publication of regulations.

309. Regulations made by the municipal authorities under this Act shall be published in such manner as the council may determine. [New]
[Public Health Act, 1875, 138.]

Chapter XV.—Penalties.

[New]
City Act, 420–1.]

General provisions regarding penalties specified in the schedules.

310. (1) Whoever—

(*a*) contravenes any provision of any of the sections of this Act specified in the first column of schedule VII, or

(*b*) contravenes any rule or order made under any of the specified sections, or

(*c*) fails to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of the provisions of any of the said sections;

shall, on conviction be punished with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

(2) Whoever after having been convicted of—

(*a*) contravening any provision of the sections of this Act specified in the first column of schedule VIII, or

(*b*) contravening any rule or order made under any of the specified sections, or

(*c*) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under or in pursuance of any of the said sections,

continues to contravene the said provision or to neglect to comply with the said direction or requisition, as the case may be, shall on conviction be punished, for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said schedule.

Explanation.—The entries in the second columns of schedules VII and VIII headed "subject" are not intended as definitions of the offences described in the sections, sub-sections, or clauses mentioned in the first column or even as abstracts of those sections, sub-sections or clauses, but are inserted merely as references to the subject of the sections, sub-sections, or clauses as the case may be.

[New]

Penalty for acting as councillor when disqualified.

311. If a member of the council acts as such when disqualified under section 48, he shall, on conviction, be punished with fine not exceeding two hundred rupees for every such offence.

[280]

Penalty for acquisition by municipal officer of interest in contract or work.

312. If any municipal officer or servant knowingly acquires, directly or indirectly, by himself or by a partner or employer or servant, otherwise than with the permission in writing of the district collector, any personal share or interest in any

contract or employment with, by, or on behalf of the municipal corporation, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code:

Provided that no person shall, by reason of being a shareholder in, or member of, any company, be held to be interested in any contract entered into between such company and the corporation, unless he is a director of such company.

Penalty for omission to take out licence for vehicle or animal

313. (1) Every owner or person in charge of any vehicle or animal liable to tax under section 96 who omits to obtain a licence shall on conviction be punished with fine not exceeding fifty rupees and shall also pay the amount of the tax payable by him in respect of such vehicle or animal.

[New]
[City Act, 423.]

(2) On payment of such fine and tax and of such costs as may be awarded, such owner or person shall receive a licence for the vehicle or animal in respect of which he has been fined and for the period during which he has been found to be in default.

(3) The provisions of this section shall apply to any person who, having compounded for the payment of a certain sum under section 99 fails to pay such sum, and the amount due for a licence shall in such case be taken as the amount so compounded for.

Penalty for unauthorized building, &c.

314. If the construction or re-construction of any building or well—

(a) is commenced without the permission of the chairman, or

(b) is carried on or completed otherwise than in accordance with the particulars on which such permission was based, or

[New]
[City Act, 424.]

(c) is carried on or completed in contravention of any lawful order or in breach of any provision contained in this Act or in any rule or by-law made hereunder or of any direction or requisition lawfully given or made, or

if any alterations or additions required by any notice issued under section 207 or section 217 are not duly made, or

if any person to whom a direction is given by the chairman to alter or demolish a building or well under section 218 fails to obey such direction,

the owner of the building or well or the said person, as the case may be, shall be liable on conviction to a fine which may extend in the case of a masonry building to five hundred rupees and in the case of

a well or hut to fifty rupees, and to a further fine which may extend in the case of a masonry building to one hundred rupees, and in the case of a well or hut to ten rupees, for each day during which the offence is proved to have continued after the first day.

[282-A]

Notice to scavengers before discharge.

315. (1) In the absence of a written contract to the contrary, every scavenger employed by the municipal corporation shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

Penalty for withdrawal of scavengers without notice.

(2) Should any scavenger employed by the corporation, in the absence of a written contract authorizing him so to do, and without reasonable cause, resign his employment or absent himself from his duties without giving one month's notice to the corporation, or neglect or refuse to perform his duties, or any of them, he shall be liable on conviction to a fine not exceeding fifty rupees or to imprisonment of either description which may extend to two months.

Application of sub-sections (1) and (2) to other municipal servants.

(3) The Governor in Council may, by notification, direct that on and from a date to be specified in the notification, the provisions of sub-sections (1) and (2) with respect to scavengers shall apply also to any specified class of municipal servants whose functions intimately concern the public health or safety.

Wrongful restraint of chairman and his delegates.

316. Every person who prevents the chairman or any person to whom the chairman has lawfully delegated his powers of entering into or on any land or building, from exercising his lawful power of entering thereinto or thereon shall be deemed to have committed an offence under section 341 of the Indian Penal Code.

[New]

[283]

Penalty for not giving or giving false information.

317. If any person who is required by the provisions of this Act or by any notice or other proceedings issued under this Act to furnish any information—

(a) omits to furnish it, or

(b) knowingly or negligently furnishes false information

such person shall be liable to a fine not exceeding Rs. 100.

PART VI.

CHAPTER XVI.—PROCEDURE AND MISCELLANEOUS.

Licences and Permissions.

General provisions regarding licences, and permissions.

318. (1) Every licence and permission granted under this Act or any rule or by-law made under this Act, shall specify the period, if any, for which, and the restrictions, limitations, and conditions subject to which the same is granted, and shall be signed by the chairman. [7-A]

(2) For every such licence or permission fees may be charged at such rates as may be fixed by the council subject to the approval of the District Collector. [267] [G.O. No. 84 M., dated 17th January 1906]

(3) The council may farm out the collection of such fees for any period not exceeding three years at a time on such conditions as they think fit. [Act I of 1913]

(4) Every order of a municipal authority refusing, suspending, cancelling or modifying a licence shall be in writing and shall state the grounds on which it proceeds. [188 (6)]

(5) Subject to the special provisions in chapters X and XII regarding buildings and private markets, and subject to such sanction as may be required for the refusal of a licence or permission, and to such appeal as may be provided in case of refusal, any licence or permission granted under this Act or any rule or by-law made under it may at any time be suspended or revoked by the chairman if any of its restrictions, limitations or conditions is evaded or infringed by the grantee, or if the grantee is convicted of a breach of any of the provisions of this Act, or of any rule, by-law or regulation made under it in any matter to which such licence or permission relates, or if the grantee has obtained the same by misrepresentation or fraud. [188 (3)]

(6) It shall be the duty of the chairman to inspect places in respect of which a licence or permission is required by or under this Act, and he may enter any such place between sunrise and sunset and also between sunset and sunrise if it is open to the public or any industry is being carried on in it at the time; and if he has reason to believe that anything is being done in any place without a licence or permission where the same is required by or under this Act, or otherwise than in conformity with the same, he may at any time by day or night without notice [New]

enter such place for the purpose of satisfying himself whether any provision of law, rules, by-laws or regulations, any condition of a licence or any lawful direction or prohibition is being contravened and no claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this sub-section by the chairman or any person to whom he has lawfully delegated his powers, or by any force necessary for effecting an entrance under this sub-section.

[New]

(7) When any licence or permission is suspended or revoked, or when the period for which it was granted, or within which application for renewal should be made has expired, whichever expires later, the grantee shall for all purposes of this Act or any rule or by-law made under this Act, be deemed to be without a licence or permission until the order suspending or revoking the licence or permission is cancelled or, subject to sub-section (11), until the licence or permission is renewed, as the case may be.

[84]

(8) Every grantee of any licence or permission shall at all reasonable times, while such licence or permission remains in force, produce the same at the request of the chairman.

(9) Whenever any person is convicted of an offence in respect of the failure to obtain a licence or permission or to make a registration required by the provisions of this Act or any rule or by-law made under this Act, the magistrate shall in addition to any fine which may be imposed, recover summarily and pay over to the municipal corporation the amount of the fee chargeable for the licence or permission or for registration.

(10) Such recovery of the fee under sub-section (9) shall not entitle the person convicted to a licence or permission or to registration as aforesaid.

(11) The acceptance by the municipal corporation of the pre-payment of the fee for a licence or permission or for registration shall not entitle the person making such pre-payment to the licence or permission or to registration as the case may be, but only to refund of the fee in case of refusal of the licence or permission or of registration; but an applicant for the renewal of a licence or permission or registration shall until communication of orders on his application be entitled to act as if the licence or permission or registration had been renewed; and save as

otherwise specially provided in this Act, if orders on an application for licence or permission or for registration are not communicated to the applicant within thirty days after the receipt of the application by the chairman, the application shall be deemed to have been allowed for the year or for such less period as is mentioned in the application, and subject to the law, rules, by-laws, regulations and all conditions ordinarily imposed. [186(5)]

Appeals.

Appeals from chairman to council.

319. (1) An appeal shall lie to the council from— [New] [City Act, 427]

(*a*) any notice issued or other action taken or proposed to be taken by the chairman;

(i) under sections 129, 137, 140, 141, 146, 147, 148, 159, 207 sub-section (1) and sub-section (3), 218 sub-section (3), 220 sub-section (1), 221 sub-section (1), 225 sub-section (1), 226, 227, 235, 245, 248, 249 sub-section (3) and 250;

(ii) under any by-law concerning house drainage and the connexion of house drains with municipal drains; or

(*b*) any refusal by the chairman to grant a permission under sections 224, 249 sub-section (2) and 251; or

(*c*) any refusal by the chairman to approve a building site under section 200 to grant permission to construct or re-construct a masonry building under section 201 or to grant permission to construct or re-construct a hut under section 212; or

(*d*) any refusal by the chairman to grant a licence under sections 244, 253, 256; or

(*e*) any order of the chairman granting or refusing a licence under section 248; or

(*f*) any order of the chairman made under section 318 sub-section (5) suspending or revoking a licence; or

(*g*) any other order of the chairman that may be made appealable by rules under section 399.

(2) The decision of the council on any such appeal shall be final.

Limitation of time for appeal.

320. In any case in which no time is prescribed by the foregoing provisions of this Act for the presentation of an appeal allowed thereunder, such appeal subject to the provisions of section 5 of the Indian Limitation Act, 1908, must be presented within thirty days after the date of the order or proceeding against which the appeal is made. [New] [City Act, 428]

[New]
[City Act, 429.]

Chairman's power to summon.

Summoning to attend and give evidence or produce documents.

521. The chairman may summon any person to attend before him and to give evidence or produce documents, as the case may be, in respect of any question relating to taxation, or inspection, or registration, or to the grant of any licence under the provisions of this Act.

Notices, etc.

[New]
[City Act, 430.]

Form of notices and permissions.

522. All notices and permissions given, issued, or granted, as the case may be, under the provisions of this Act must be in writing.

Signature on documents.

[New]
[City Act, 432.]

523. (1) Every licence, written permission, notice, bill, schedule, summons, or other document which is required by this Act or by any rule, by-law or regulation made under it to bear the signature of the chairman or of any municipal officer shall be deemed to be properly signed if it bears a facsimile of the signature of the chairman or of such municipal officer, as the case may be, stamped thereon.

(2) Nothing in sub-section (1) shall be deemed to apply to a cheque drawn upon the municipal fund.

Publication of notifications.

[289]

524. Every notification under this Act shall be published in the official gazette of the district in which the municipality is situated both in English and in a vernacular language of the district.

Publication of by-laws, rules, orders, etc.

[289-A]

525. Every by-law, order, notice or other document directed to be published under this Act shall, unless a different method be prescribed by this Act, or by the council, be written in, or translated into, the vernacular of the district and deposited at the municipal office, and a copy shall be posted up in a conspicuous position at such office and such other places as the council may direct. And a public proclamation shall be made throughout the municipality by beat of drum that such copy has been so posted up and that the original is open to inspection at the municipal office.

Notice of prohibition or setting apart of place.

[276]

526. Whenever the municipal corporation shall have set apart any place for any purpose authorized by this Act or shall have prohibited the doing of anything in any place, the chairman shall forthwith cause to be put up a notice in English and in a vernacular language of the district at or near such place. Such notice shall specify the purpose for which such place has been set apart or the act prohibited in such place.

Method of serving documents.

527. (1) When any notice or other document is required by this Act, or by

any rule, by-law, regulation or order made under it, to be served on, or sent to any person the service or sending thereof may be effected—

[271]

(*a*) by giving or tendering the said document to such person; or

(*b*) if such person is not found, by leaving such document at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(*c*) if such person does not reside in the municipality and his address elsewhere is known to the chairman by sending the same to him by post registered; or

(*d*) if none of the means aforesaid be available, by fixing the same in some conspicuous part of such place of abode or business.

[68]

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the document, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it to, one of such owners or occupiers.

(3) Whenever in any bill, notice or form served or sent under this Act a period is fixed within which any tax or other sum is to be paid or any work executed, or anything provided, such period shall, in the absence from this Act of any distinct provision to the contrary, be calculated from the date of such service or sending.

Relation of occupier to owner.

Recovery by occupier of sum leviable from owner.

328. If the occupier of any building or land makes on behalf of the owner thereof any payment for which under this Act, the owner, but not the occupier, is liable, such occupier shall be entitled to recover the same from the owner and may deduct the same from the rent then or thereafter due by him to the owner.

[266 A]
[City Act, 437.]

Obstruction of owner by occupier.

328. (1) If the occupier of any building or land prevents the owner from carrying into effect in respect thereof any of the provisions of this Act, the Chairman may by an order require the said occupier to permit the owner, within eight days from the date of service of such order, to execute all such works as may be necessary.

[278]
[City Act, 438.]

(2) Such owner shall, for the period during which he is prevented as aforesaid, be exempt from any fine or penalty to which he might otherwise have become liable by reason of default in executing such works.

[265]
[City Act, 433.]

330. If the owner of any building or land fails to execute any work which he is required to execute under the provisions of this Act or of any rule, by-law, regulation or order made under it, the occupier of such building or land may, with the approval of the chairman execute the said work, and shall be entitled to recover from the owner the reasonable expenses incurred in the execution thereof, and may deduct the amount thereof from the rent then or thereafter due by him to the owner.

Execution of work by occupier in default of owner.

Chairman's powers of entry and inspection.

[274]
City Act, 440.]

331. The chairman or any person authorized by him in this behalf may enter into or on any building or land with or without assistants or workmen, in order to make any inquiry, inspection, test, examination, survey, measurement or valuation or for the purpose of lawfully placing or removing pipes or meters, or to execute any other work which is authorized by the provisions of this Act or of any rule, by-law, regulation or order made under it, or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions, to make or execute:

Power of entry to inspect, survey or execute the work.

Provided that—

(*a*) except when it is in this Act otherwise expressly provided, no such entry shall be made between sunset and sunrise;

(*b*) except when it is in this Act otherwise expressly provided, no dwelling house, and no part of a public building used as a dwelling place, shall be so entered without the consent of the occupier thereof, unless the said occupier has received at least six hours' previous notice of the intention to make such entry;

(*c*) sufficient notice shall be given in every case even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy may be preserved;

(*d*) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the occupants of the premises.

Power of entry on lands adjacent to works.

332. (1) The chairman or any person authorized by him in this behalf may with or without assistants or workmen

enter on any land adjoining or within fifty yards of any work authorized by this Act or by any rule, by-law, regulation or order made under it, for the purpose of depositing on such land any soil, gravel, stone, or other materials, or of obtaining access to such work, or for any other purpose connected with the carrying on thereof. [275] [City Act, 441.]

(2) The chairman or person authorized by him as aforesaid, shall, before entering on any land under sub-section (1), give the owner and occupier three days' previous notice of the intention to make such entry, and state the purpose thereof, and shall, if so required by the owner or occupier, fence off so much of the land as may be required for such purpose.

(3) The chairman shall not be bound to make any payment, tender or deposit before entering on any land under sub-section (1), but as little damage as may be shall be done and the chairman shall pay compensation to the owner and occupier of the land for such entry and for any temporary or permanent damage that may result therefrom.

(4) If such owner or occupier is dissatisfied with the amount of compensation paid to him by the chairman he may appeal to the council.

Inspection and stamping of weights and measures

333. The chairman or any person authorized by him in this behalf may examine and test the weights and measures used in markets and shops in the municipality with a view to the prevention and punishment of offences relating to such weights and measures under chapter XIII of the Indian Penal Code. [206]

Power to enforce licensing provisions, orders, etc.

Consequences of failure to obtain licence etc., or of breach of the same

334. If, under this Act, or any rule, by-law or regulation made under it, the licence or permission of the council or chairman or registration in the municipal office is necessary for the doing of any act, and if such act is done without such licence or permission or registration, or in a manner inconsistent with the terms of any such licence or permission, then— [283]

(a) the chairman may by notice require the person so doing such act to alter, remove, or as far as practicable, restore to its original state the whole, or any part of any property, movable or immovable, public or private, affected thereby, within a time to be specified in the notice; and further,

(b) if no penalty has been specially provided in this Act for so doing such act, the person so doing it shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

Time for complying with order power and to enforce in default

335. (1) Whenever by any notice, requisition, or order under this Act, or under any rule, by law or regulation made under it, any person is required to execute any work or to take any measures or do anything a reasonable time shall be named in such notice, requisition or order within which the work shall be executed, and the measures taken, or the thing done.

[334 (1)]
[City Act, 442.]

(2) If such notice, requisition, or, order is not complied with within the time so named the chairman may cause such work to be executed or may take any measures or do anything, which may, in his opinion, be necessary for giving due effect to the notice, requisition or order as aforesaid ; and further,

(3) if no penalty has been specially provided in this Act for failure to comply with such notice, the said person shall be liable on conviction before a magistrate to a fine not exceeding fifty rupees for every such offence.

[264 and 265.]
[City Act, 442.]

Recovery of expenses from persons liable, and limitation of liability of occupier

336. (1) The chairman may, subject to the provisions of sections 157 and 158, recover any reasonable expenses incurred under section 335 from the person or any one of the persons to whom the notice, requisition or order was addressed, and may, in executing work or taking measures under section 335 utilize any materials found on the property concerned or may sell them and apply the sale-proceeds in or towards the payment of the expenses incurred.

(2) If the person to whom notice is given is the owner of the property in respect of which it is given, the chairman may (whether any action or other proceeding has been brought or taken against such owner or not) require the person, if any, who occupies such property, or any part thereof, under the owner, to pay to the municipal corporation, instead of to the owner, the rent payable by him in respect of such property, as it falls due, up to the amount recoverable from the owner under sub-section (1) or to such smaller amount as the chairman may think proper; and any amount so paid shall be deducted from the amount payable by the owner.

(3) For the purpose of deciding whether action should be taken under sub-section (2), the chairman may require any occupier of property to furnish information as to the sum paid by him as rent on account of such property and as to the name and address of the person to whom it is payable; and such occupier shall be bound to furnish such information.

(4) The provisions of this section shall not affect any contract made between any owner and occupier respecting the payment of any such expenses. [New] [City Act, 443 (5).]

Relief to agent and to trustees.

537. (1) When any person by reason of his receiving the rent of immovable property as agent or trustee, or of his being agent or trustee for the person who would receive the rent if the property were let to a tenant, would, under this Act, be bound to discharge any obligation imposed by this Act, or any rule, by-law, regulation or order made under it on the proprietor of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or, but for his own improper act or default, might have had, in his hands funds belonging to the proprietor sufficient for the purpose. [New] [City Act, 444.]

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the chairman may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the proprietor: and should he fail to comply with such notice he shall be deemed to be personally liable to discharge such obligation.

Payment of compensation, etc., by and to the municipality.

Power of municipality to pay compensation.

538. In any case not otherwise expressly provided for in this Act, the chairman may, with the approval of the council, pay compensation to any person who sustains damage by reason of the exercise by any municipal authority, officer or servant, of any of the powers vested in them by this Act or any other law, or by any rule, by-law, or regulation made under it. [278]

Recovery of rents due as taxes.

539. All costs, damages, compensation, charges, fees (other than school fees), expenses, rents (not being rents for lands and buildings demised by the municipal [259]

corporation), contributions and other sums which under this Act or any other law or rules or by-laws made thereunder, or under any contract in respect of water-supply, drainage or scavenging made in accordance with this Act, the rules or by-laws are due by any person to the corporation, may, if there is no special provision for their recovery contained in this Act, be demanded by bill as provided in the rules in schedule IV and recovered in the manner provided in those rules.

[269-A]

Limitation for recovery of dues.

340. No distraint shall be made, no suit shall be instituted and no prosecution shall be commenced in respect of any sum due to the municipal corporation under this Act after the expiration of a period of three years from the date on which distraint might first have been made, a suit might first have been instituted, or prosecution might first have been commenced, as the case may be, in respect of such sum.

Procedure in dealing with surplus sale-proceeds.

341. If any property, movable or immovable, is sold under the provisions of this Act, and if there is a surplus after the sum due to the municipal corporation and the costs have been deducted from the sale-proceeds, such surplus shall, if the owner of the property sold claims it within six months from the date of the sale, be paid to him by the corporation, but if no such claim is preferred within such time, the said surplus shall be credited to the municipal fund, and no suit shall lie for the recovery of any sum so credited.

[270]

Persons empowered to prosecute.

342. Save as provided in section 56, no person shall be tried for any offence against the provisions of this Act, or of any rule, or by-law made under it except upon complaint made by the patel, or the chairman or by a person expressly authorized in this behalf by the council or the chairman. But nothing herein shall affect the provisions of the Code of Criminal Procedure in regard to the power of certain magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

[280]

Imprisonment in default of payment and application of fines.

343. (1) In case any fine or costs imposed or assessed by a magistrate under this Act or under any rule or by-law made under it, shall not be paid, the magistrate may order the offender to be imprisoned in default of payment subject to all the restrictions, limitations and conditions imposed in sections 64 to 70 (both inclusive) of the Indian Penal Code.

[286]

(2) Any fine or costs imposed or assessed by a magistrate by virtue of this Act shall on recovery be paid to the municipal corporation to be applied to the purposes of this Act.

Payment of compensation for damage to municipal property.

344. If, on account of any act or omission, any person has been convicted of an offence against the provisions of this Act or against any rule or by-law made under it and by reason of such act or omission damage has been caused to any property owned by or vesting in the municipal corporation, the said person shall pay compensation for such damage, notwithstanding any punishment to which he may have been sentenced for the said offence. In the event of dispute the amount of compensation payable by the said person shall be determined by the magistrate before whom he was convicted of the said offence on application made to him for the purpose by the Chairman not later than three months from the date of conviction; and in default of payment of the amount of compensation so determined, it shall be recovered under a warrant from the said magistrate as if it were a fine inflicted by him on the person liable therefor. [281] [City Act, 455]

Legal Proceedings.

Limitation of suits against municipal authorities, officers and servants.

345. (1) No suit for damages or compensation shall be instituted against the municipal corporation, any municipal authority, officer or servant, or any person acting under the direction of the same, in respect of any act done in pursuance or execution or intended execution of this Act or any rule, by-law, regulation or order made under it or in respect of any alleged neglect or default in the execution of this Act, or any rule, by-law, regulation, or order made under it until the expiration of one month after a notice has been delivered or left at the municipal office or at the place of abode of such officer, servant or person, stating the cause of action, the relief sought, and the name and the place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left. [281 (1)]

(2) Every such suit shall be commenced within six months after the date on which the cause of action arose or in case of a continuing injury or damage during such continuance or within six months after the ceasing thereof. [281 (3)]

(3) If any person to whom any notice is given under sub-section (1) tenders amends to the plaintiff before the suit is [281 (2)]

instituted, and if the plaintiff does not recover in any such action more than the amount so tendered he shall not recover any costs incurred after such tender by the person to whom such notice has been given, and the defendant shall be entitled to costs as from the date of tender.

(4) Where the defendant in any such suit is the chairman, a municipal officer or servant, payment of the sum, or any part of any sum, payable by him in, or in consequence of, the suit whether in respect of costs, charges, expenses, compensation for damages or otherwise may be made, with the sanction of the council, from the municipal fund.

[New]

346. The chairman may—

Provisions respecting institution, etc., of civil and criminal actions and obtaining of legal advice.

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act, the rules, by-laws or regulations;

(ii) any offence which affects or is likely to affect any property or interest of the municipal corporation or the due administration of this Act;

[Bombay City Act, 517]

(iii) committing any nuisance whatsoever;

(b) defend himself if sued or joined as a party in any proceeding in respect of the conduct of elections or in respect of the electoral roll;

(c) with the approval of the council take, withdraw from or compromise proceedings for the recovery of expenses or compensation claimed to be due to the municipal corporation;

(d) with the approval of the council withdraw or compromise any claim against any person in respect of a penalty payable under a contract entered into with such person by the Chairman;

(e) with the approval of the council, defend any suit or other legal proceeding brought against the municipal corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done by them respectively, in their official capacity;

(f) with the approval of the council compromise any claim, suit or legal proceeding brought against the corporation or against any municipal authority, officer or servant, in respect of anything done or omitted to be done as aforesaid;

(g) with the approval of the council, institute and prosecute any suit or withdraw from or compromise any suit or

claim, which has been instituted or made in the name of the municipal corporation or of the chairman;

(h) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the council to obtain, for any of the purposes mentioned in the foregoing clauses of this section or for securing the lawful exercise or discharge of any power or duty vesting in or imposed upon any municipal authority or municipal officer or servant.

Indemnity to municipal authorities, officers and agents.

347. No suit shall be maintainable against any municipal authority, officer or servant or any person acting under the direction of any municipal authority, officer or servant, or of a magistrate, in respect of anything lawfully and in good faith and with due care and attention done under this Act or any other law or any rule, by-law, regulation or order made under it. [261 (4)]

Liability of chairman and members for loss, waste or misapplication.

348. The chairman and every councillor shall be liable for the loss, waste, or misapplication of any money or other property owned by or vested in the municipal corporation, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct, and a suit for compensation may be instituted against him by the council or by the Secretary of State for India. [259]

Assessments, etc., not to be impeached.

349. (1) No assessment or demand made, and no charge imposed, under the authority of this Act shall be impeached or affected by reason of any clerical error or by reason of any mistake (a) in respect of the name, residence, place of business or occupation of any person, or (b) in the description of any property or thing, or (c) in respect of the amount assessed, demanded or charged: provided that the provisions of this Act have been, in substance and effect, complied with. And no proceedings under this Act shall, for defect in form, be quashed or set aside by any Court of Justice. [262]

(2) No suit shall be brought in any court to recover any sum of money collected under the authority of this Act or to recover damages on account of any assessment, or collection of money made under the said authority: provided that the provisions of this Act have been, in substance and effect, complied with.

(3) No distraint or sale under this Act shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any error,

defect or want of form in the bill, notice, schedule, form, summons, notice of demand, warrant of distraint, inventory, or other proceeding relating thereto; nor shall such person be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him;

Provided that every person aggrieved by such irregularity may recover satisfaction for any special damage sustained by him.

Police.

[282]
[City Act, 483]

Duties of police officers.

350. (1) It shall be the duty of every police officer—

(*a*) to communicate without delay to the proper municipal officer any information which he receives of the design to commit or of the commission of any offence under this Act or any rule, by-law or regulation made under it, and

(*b*) to assist the chairman or any municipal officer or servant reasonably demanding his aid for the lawful exercise of any power vesting in the chairman or in such municipal officer or servant under this Act or any such rule, by-law or regulation,

(*c*) to assist any person employed in the collection of tolls in case of resistance to the lawful authority of such person; and for that purpose he shall have the same power which he has in the exercise of his ordinary police duties.

(2) Any police officer who omits or refuses to perform any duty imposed on him by this Act, shall be deemed to have committed an offence under section 10 or under section 44 of the Madras District Police Act, 1859.

[282 (2)]
[City Act, 483]

Power of police officers to arrest persons.

351. (1) If any police officer sees any person committing an offence against any of the provisions of this Act or of any rule or by-law made under it, he shall, if the name and address of such person are unknown to him and if the said person on demand declines to give his name and address or gives a name and address which such officer has reason to believe to be false, arrest such person.

(2) No person arrested under sub-section (1) shall be detained in custody—

(*a*) after his true name and address are ascertained, or

(*b*) without the order of a magistrate, for any longer time, not exceeding twenty-four hours from the hour of arrest, than is necessary for bringing him before a magistrate.

Exercise of powers of police officer by municipal servants.

352. The Governor in Council may empower any municipal servant or any class of municipal servants to exercise the powers of a police officer for the purposes of this Act and of the Madras Towns Nuisances Act, 1889.

[282 (4)]
[G.O. 703, Judicial, 15th May 1908]

Miscellaneous.

Application of term "public servant" to municipal officers, agents and sub-agents.

353. Every municipal officer or servant, every contractor or agent for the collection of any municipal tax, toll, fee, or other sum due to the municipal corporation and every person employed by any such contractor or agent for the collection of such tax, toll, fee or sum shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

[41]
[City Act, 465]

Prohibition against obstruction of municipal authorities, servants and contractors.

354. No person shall obstruct or molest the council, the chairman, any councillor, or any person employed by the municipal corporation or any person with whom the chairman has entered into a contract on behalf of the corporation, in the performance of their duty or of anything which they are empowered or required to do by virtue or in consequence of this Act or of any by-law, rule, regulation or order made under it.

[277 (1) (b)]

Prohibition against removal of mark.

355. No person shall remove any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorised by this Act or by any by-law, rule or order made under it.

[277 (1) (ii)]

Prohibition against removal or obliteration of notice.

356. No person shall without authority in that behalf, remove, destroy, deface, or otherwise obliterate any notice exhibited by, or under the orders of the council or the chairman.

[277 (2)]

Prohibition against unauthorised dealings with public places or materials.

357. No person shall, without authority in that behalf, remove earth, sand or other material or deposit any matter or make any encroachment, from, in or on any land vested in the municipal corporation, or river, estuary, canal, back-water or water-course (not being private property) or in any way obstruct the same.

[229]
[City Act, 469]
[G.O. 283 M., 13th February 1907.
G.O. 1020 M., 4th June 1912.]

Local Government's power of delegation.

Delegation of powers by the local Government.

358. The Governor in Council may by notification authorise any person to exercise any one or more of the powers vested in him by this Act, except those mentioned in chapter II, and may in like manner withdraw such authority.

[288]

Transitional and transitory provisions.

Passing of property and rights to municipality as re-constituted.

359. All property, all rights of whatever kinds used, enjoyed, or possessed by, and all interests of whatever kind owned

[6 (ii)]

by, or vested in or held in trust by, or for, a municipal corporation as constituted under the Madras District Municipalities Act, 1884, shall pass to the corporation as constituted under this Act.

Commencement of Act.

360. This Act shall come into force on such date as the Governor in Council may by notification direct:

[New]

Provided that the power to make or approve rules, by-laws and regulations may be exercised at any time after the publication of the assent of the Governor-General under section 81 of the Government of India Act, 1915, and that any election or appointment of chairman, or councillors under this Act or under the rules made under this Act may be held or made at any time after such publication, but no such election or appointment shall take effect until the commencement of the Act.

[5 (ii)]

Continuance in office of present chairmen and councillors.

361. The chairman and councillors appointed or elected under the Madras District Municipalities Act, 1884, and holding office at the commencement of this Act shall be deemed to have been appointed or elected under this Act, but shall vacate their office on the expiry of the term for which they were originally appointed or elected or on such prior date as the Governor in Council may notify for all municipalities or for any particular municipality or for any particular chairman or for any particular number of councillors (being those who have been longest in office) in any municipality.

[112]

Procedure for recovery of arrears of taxes, etc.

362. All arrears of taxes or other payments by way of composition for a tax or due for expenses or compensation or otherwise due to a municipal corporation at the time this Act comes into force may be recovered as though they had accrued under this Act.

SCHEDULE I.

ENACTMENTS REPEALED.

(See Section 2.)

Year. (1)	Number. (2)	Short title. (3)	Extent of repeal. (4)
1884	IV	The Madras District Municipalities Act, 1884	The whole.
1897	III	The Madras District Municipalities Act Amendment Act, 1897.	Do
1899	I	The Madras District Municipalities (Amendment) Act, 1899	Do.
1907	II	The Madras Hill Municipalities Act, 1907	Do.
1909	V	The Madras District Municipalities Act Amendment Act, 1909.	Do
1913	III	The Madras District Municipalities and Local Boards (Amendment) Act, 1913.	Sections 2, 3 and 4.
1914	VIII	The Madras Decentralisation Act, 1914	So much of the schedule as relates to the Madras District Municipalities Act, 1884.
1916	IV	The Madras District Municipalities Act Amendment Act, 1916.	The whole.

SCHEDULE II.

LIST OF HILL STATIONS.

[*See Section 3* (9).]

Ootacamund, the Nilgiri district.
Coonoor, the Nilgiri district.
Kodaikánal, Madura district.

SCHEDULE III.

RULES REGARDING PROCEEDINGS OF THE COUNCIL.

(See Section 20.)

MODE OF TRANSACTING BUSINESS.

1. The municipal corporation shall provide an office and the council shall meet therein for the transaction of business at least once in every month, upon such days and at such times as they may arrange and also at other times as often as a meeting shall be called by the chairman. [29 (1)]

2. The chairman shall, on the requisition in writing of not less than one-fourth of the members then on the council, convene a meeting of the council, provided that the requisition specifies the day when and the purpose for which the meeting is to be held, and is made at least six days previous to the day of such meeting. [29 (2)]

3. Except in cases of urgency, no meeting shall be held unless notice of the day and time when the meeting is to be held and of the business to be transacted thereat has been given at least three clear days previous to the day fixed for the meeting. [29 (3)]

4. All meetings of the council shall be open to the public; provided that the presiding member may, in any particular case, for reasons to be recorded in the minute-book kept under rule 9, direct that the public generally, or any particular person, shall withdraw. [29 (4)]

5. All questions which may come before the council at any meeting shall be decided by a majority of the members present and voting at the meeting and, in every case of equality of votes, the presiding member shall have a second or casting vote. [30 (2)] [G.O 183 M., 11th February 1909.]

6. No business shall be transacted at a meeting unless there be present at least four members or, if the number of members then on the council exceeds twelve, at least one-third of that number. [30 (5)]

7. If within half an hour after the time appointed for a meeting a quorum is not present, the meeting shall stand adjourned, unless all the members present agree to wait longer. [30 (5)]

8. No resolution of the council shall be modified or cancelled within three months after the passing thereof except at a meeting specially convened in that behalf and by a resolution of the council supported by the votes of not less than one-half of the sanctioned number of members. [30 (6)]

9. Minutes of the proceedings at each meeting of the council shall be drawn up and entered in a book to be kept for that purpose; and shall be signed by the chairman or the member who presided at such meeting, or in his absence by some one of the members present thereat; and the said minutes shall at all reasonable times and without charge, be open at the municipal office to the inspection of any person who pays any tax under this Act in the municipality.

[31 (1)]

10. Within three days of the date of the meeting, a copy of the minutes of the proceedings at such meeting shall be forwarded by the chairman to the revenue officer in charge of the division of the district wherein the municipality is situated, for publication at the cost of the municipal fund, in the district gazette, in English and in a vernacular language of the district; provided that the chairman shall immediately submit to the said revenue officer any minute of dissent that may be forwarded to him within forty-eight hours of the meeting by any councillor.

[31 (2)]

11. The chairman shall have the custody of the proceedings and records of the council and may grant copies of any such proceedings and records on payment of such fees as the council may, by general or special order, determine. Copies shall be certified by the chairman as provided in section 76 of the Indian Evidence Act, 1872, and copies so certified may be used to prove the records of the council in the same manner as they may, under sub-section (5) of section 78 of the said Act, be used to prove the proceedings of that body.

[31 (3)]

12. The proceedings of every committee appointed by the council shall be recorded in writing and submitted to the council.

[New.]

13. The council may, by general or special resolution, depute any councillor to make any inquiry in connexion with any matter reserved by this Act for their decision, to inspect any municipal institution, work or property, to check measure works or to muster workmen, or to bring to their notice and to that of the chairman any neglect in the execution of municipal work, or any waste of municipal property in the ward or locality for which he was elected or in which he resides, and the wants of such ward or locality as noticed personally by him or made known to him by the inhabitants.

[New.]

SCHEDULE IV.—TAXATION AND FINANCE RULES.

PART I.—TAXATION RULES.

(See Section 123.)

Definition of tax.

In these rules "tax" includes payment due by way of composition for a tax. [New.]

Accounts and assessment in general.

2. Every municipal corporation which levies such taxes shall keep separate accounts of all moneys received and expended for any purpose connected with— [Hill Municipalities Act, 5.]

(*a*) the water and drainage tax,
(*b*) the lighting tax,
(*c*) the railway tax.

3. (1) The chairman shall prepare and keep separate assessment books showing the persons and property liable to taxation under this Act. [52 (1) 250-A]

(2) The assessment books shall be open at all reasonable times and without charge to inspection by any tax-payer or his authorized agent.

(3) The account books of the corporation shall be open without charge to inspection by any tax-payer on a day or days in each month to be fixed by the council.

(4) If at any time it appears to the council that any person or property has been inadequately assessed or improperly omitted from the assessment books, they may direct the chairman to amend the said books in such manner as they deem just; provided that no such direction shall be given unless the person concerned shall have been afforded a reasonable opportunity to show cause to the council why the assessment books should not be amended as proposed. [52 (2)]

(5) The council may, at any time for the purpose of deciding whether action should be taken under sub-rule (4), appoint a committee consisting of the chairman and not more than two other members of the council to scrutinize the assessment books.

4. In the case of taxes payable by the chairman the original assessment shall be made by the revenue divisional officer and appeals shall lie to the council. If the revenue divisional officer is also [52-A]

chairman, the assessment shall be made by the council, and there shall be no appeal.

[62-B] 5. (1) The chairman shall give to every person making payment of a tax a receipt therefor signed by him, or by some person duly authorized by him in that behalf.

(2) Such receipt shall specify—

(*a*) the date of the grant thereof,

(*b*) the name of the person to whom it is granted,

(*c*) the tax in respect of which the payment has been made,

(*d*) the period for which payment has been made, and

(*e*) the amount paid.

Assessment of the property tax.

[64 (1)] 6. The value of any land or building for purposes of the property tax and the amount of the tax shall be determined, save as provided in rule 4, by the chairman.

[66 (1) 68] 7. The chairman shall enter the annual value of all lands and buildings determined by him and the tax payable thereon in assessment books to be kept for the purpose at the municipal office. Such books shall record the following particulars, in so far as they can be ascertained, with regard to each assessable item :—

(*a*) the name of the owner;

(*b*) the name of the occupier;

(*c*) the designation if any of the item;

(*d*) the name of the ward and street, if any, in which it is situated, and any survey or other number which it bears;

(*e*) the annual value or the area or the area and description, as the case may be; and

(*f*) the amount of the tax payable.

[68 (2)] 8. The assessment books shall be completely revised by the chairman at least once in every five years and the chairman may amend them at any time by inserting therein, or removing therefrom, any property or by altering the amount of tax.

[69] 9. When assessment books have been for the first time prepared, and whenever they have undergone a general revision, the chairman shall before the close of the year in which the said books have been prepared or revised, notify by beat of drum and by a notice published in the district gazette, that on a specified date, not being less than thirty days from the date of the later of such notifications he

will be prepared to consider revision petitions presented to him within the said period of thirty days.

10. In every case not covered by rule 9 in which property is for the first time assessed, or in which the valuation is increased otherwise than under rule 8 or in consequence of a general enhancement in the rate at which the tax is leviable, the chairman shall intimate by special notice to the owner or occupier of such property that he will be prepared to consider any revision petition which may be presented to him in respect of such assessment or increase within thirty days after the date of service of the said notice; and when the valuation is increased such notice shall state the grounds of the increase. [9].

11. Any person may, at any time, not being less than thirty days before the end of a year, move the chairman by revision petition to reduce the tax to which he is liable for the forthcoming year on the ground that the annual value of the property in respect of which the tax is imposed has decreased since the general assessment or last general revision of the assessment books. [89-B]

12. When a revision petition is presented the chairman shall, unless the date upon which his petition will be considered has already been notified, intimate to the petitioner the date upon which his petition will be considered, and no petition shall be disposed of unless the petitioner has been given a reasonable opportunity to appear either in person or by authorised agent and to represent his case. [89-C]

13. Immediately after the disposal of a revision petition the chairman shall inform the petitioner or his authorised agent either orally or in writing of the orders passed thereon, shall direct him to pay the amount fixed on revision within fifteen days, or, if the amount is not yet due, within fifteen days from the date on which it becomes due, and shall, if necessary, cause the assessment books to be corrected. [89-D]

14. On the establishment of a municipality assessments shall have effect from the date on which they are entered in the assessment books. [New.]
[G.O. 1171 M., 16th August 1899.]

15. When the chairman has amended the assessment books of his own motion, otherwise than in the course of a general revision, either under rule 8 or rule 13,

or by direction of the council under rule 3 or rule 26, the amendment shall be deemed to have effect from the earliest date in which the circumstances justifying the amendment existed in the year to which the orders have reference; a general revision shall have effect from the first day of the year following that in which it, or any portion thereof, is made; and the first instalment of tax shall, save as provided in rule 13, be payable within thirty days from the said date or day; provided that when a building is first constructed or is reconstructed and the date of completion or occupation thereof, whichever happens first, falls within the last two months of a half-year, no tax or enhanced tax, as the case may be, shall be levied for that half-year.

[56 (3)
69-D (2)
73 (1)]

Explanation.—A general enhancement in the rate at which the tax is leviable is no amendment or revision within the meaning of this rule, and shall have effect from the date fixed for the enhancement.

Assessment of companies.

16. Companies shall be assessed by the chairman on the following scale:—

Paid-up capital.	Half-yearly tax.
	Rs.
A. More than ten lakhs of rupees	250
B. More than five, but less than ten lakhs of rupees	125
C. More than three, but less than five lakhs of rupees	75
D. More than two, but less than three lakhs of rupees	50
E. More than one, but less than two lakhs of rupees	25
F. Less than one lakh of rupees	15

Provided that any company, the head office or a branch or principal office of which is not in the municipality and which shows that its net income received in or from the municipality has not in the year immediately preceding the year of taxation exceeded—

	Rs.
(*a*) Twenty-five thousand rupees, shall pay only	125
(*b*) Fifteen thousand rupees, shall pay only	75
(*c*) Five thousand rupees, shall pay only	25

and that if such company shows that such net income has not exceeded two thousand and five hundred rupees such company shall be exempt from taxation.

Assessment for profession tax.

17. Persons shall be classified by the chairman to the profession tax on a scale proceeding proportionately to the following maximum scale, or on the

[Schedule A.]
G.O. 1934 M., 10th October 1918.

maximum scale, as the case may be, and the chairman may from time to time revise such classification :—

Tax on persons exercising professions, arts, trades and callings, holding appointments or in receipt of pensions.	Half-yearly maximum. Rs.	A.
Class I.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of two thousand rupees or more a month	110	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	110	0
Class II.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of fifteen hundred rupees or more but less than two thousand rupees a month	80	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	80	0
Class III.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of one thousand rupees or more but less than fifteen hundred rupees a month	50	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	50	0
Class IV.		
(1) All persons holding any appointment on a salary or in receipt of a pension of seven hundred and fifty rupees or more but less than one thousand rupees a month	30	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	30	0
Class V.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of five hundred rupees or more but less than seven hundred and fifty rupees a month	17	8
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	17	8
Class VI.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of three hundred rupees or more but less than five hundred rupees a month	9	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	9	0
Class VII.		
(1) All persons holding any appointment on a salary, or in receipt of a pension, of two hundred rupees or more but less than three hundred rupees a month	6	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	6	0
Class VIII.		
(1) All persons holding any appointment on a salary, or in receipt of pension, of eighty-three rupees five annas and four pies or more but less than two hundred rupees a month	2	0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	2	0

Tax on persons exercising professions, arts, trades and callings, holding appointments or in receipt of pensions.	Half-yearly valuation.
	Rs. A.
Class IX.	
(1) All persons holding any appointment on a salary, or in receipt of a pension, of fifty rupees or more but less than eighty-three rupees five annas and four pies a month	1 0
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	1 0
Class X.	
(1) All persons holding any appointment on a salary, or in receipt of a pension, of thirty rupees or more but less than fifty rupees a month	0 8
(2) All other persons earning an equivalent income from the exercise of any profession, art, trade or calling or their agents or servants in their absence	0 8
(3) All hotel-keepers, lodging, boarding or eating or refreshment house-keepers and shop-keepers not assessed under any of the previous classes	0 8

[I.L.R., XVII Mad., 453.
I.L.R., XXIX Mad., 326.
G O. 2306 M., 4th December 1912.]

18. A person shall be deemed to have exercised a profession, art, trade or calling or held an appointment for the period specified in section 98 if his principal office or place of employment is within the municipality and his connexion therewith has lasted for the specified number of days. In case of dispute the Governor in Council may decide in which of two or more municipalities the principal office or place of employment of any person lies, or may apportion the tax among such municipalities.

19. (1) The chairman may classify all persons liable under rule 17, but not in receipt of a fixed salary or remuneration, on general considerations with reference to the nature and reputed value of their business, the size and rental of residential and business premises, the quantity of articles dealt with, the number of persons employed and the income-tax paid to Government. The chairman shall not call for the accounts of any assessee, but any person may produce his accounts to show that the net income derived by him from the exercise of his profession, art, trade or calling within the municipality falls below the lowest limit of salary entered at the head of the class in which the chairman has placed him and the chairman shall revise the assessment if satisfied that the person should be placed in a different class.

(2) The chairman may exempt any person falling within the tenth class on the ground of his poverty.

Maximum rates of tax on carriages and animals.

(See Section 96.)

20. (1) The tax on carriages and animals shall be levied at rates not exceeding the following:— [Schedule B—G.O. 1413 M., 21st August 1908.]

Tax on carriages and animals.	Half-yearly. Rs	A.
For every four-wheeled motor-vehicle of not less than forty horse-power	75	0
For every four-wheeled motor-vehicle of twenty-five horse-power or more but less than forty horse-power	50	0
For every four-wheeled motor-vehicle of twelve horse-power or more but less than twenty-five horse-power	35	0
For every four-wheeled motor-vehicle of less than twelve horse-power	25	0
For every four-wheeled carriage constructed to be drawn by two or more horses of thirteen hands or over	15	0
For every four-wheeled carriage constructed to be drawn by a horse, mule, bull or bullock, or by two or more horses under thirteen hands, or by two or more bulls or bullocks	7	8
For every two-wheeled carriage constructed to be drawn by one or more horses, mules, bulls or bullocks	4	8
For every motor tricycle and every motor bicycle with side car	15	0
For every motor bicycle without side-car	10	0
For every other bicycle or tricycle	2	8
For palanquins and every other carriage not being a child's perambulator or go-cart	3	0
For every elephant	12	0
For every camel	6	0
For every horse or mule of thirteen hands or over	7	8
For every horse or mule under thirteen hands, but not under eleven hands	3	12
For every horse or mule under eleven hands	1	8
For every bullock or bull	0	12
For every male buffalo	0	12
For every ass	0	6
For every dog	0	12
For every pig	0	8

(2) For the purpose of classification under clause (1) the horse-power of a motor-vehicle shall, in case of doubt, be determined by the chairman.

(3) If, within the half year, a person replaces any carriage or animal by another carriage or animal falling under the same class in the table given in sub-rule (1), he shall not be liable to more than one payment of tax in the same municipality and the amount of such payment shall be regulated by the aggregate number of days for which he has kept such carriages and animals during the half-year.

(4) The printed table referred to in section 100 may be in the following form:—

To the Chairman of the municipality of

I hereby certify that I have in my possession the carriages and animals set forth in the list given hereunder and no others liable to tax under schedule IV of the Madras District Municipalities Act, , for the half-year ending the day of 19 .

Description of carriages and animals.	Half-year Rs.	a.
For every four-wheeled motor-vehicle of not less than 40 horse-power	75	0
For every four-wheeled motor-vehicle of 25 horse-power or more but less than 40 horse-power	50	0
For every four-wheeled motor-vehicle of 12 horse-power or more but less than 25 horse-power	35	0
For every four-wheeled motor-vehicle of less than 12 horse-power.	25	0
For every four-wheeled carriage constructed to be drawn by two or more horses of thirteen hands or over	15	0
For every four-wheeled carriage constructed to be drawn by a horse, mule, bull or bullock or by two or more horses under thirteen hands, or by two or more bulls or bullocks	7	8
For every two-wheeled carriage constructed to be drawn by one or more horses, mules, bulls or bullocks	4	8
For every motor tricycle and every motor bicycle with side-car	15	0
For every motor bicycle without side-car	10	0
For every other bicycle or tricycle	2	0
For palanquins and every other carriage not being a child's perambulator or go-cart	3	0
For every elephant	12	0
For every camel	8	0
For every horse or mule of thirteen hands or over	7	8
For every horse or mule under thirteen hands, but not under eleven hands	3	12
For every horse or mule under eleven hands	1	8
For every bullock or bull	0	12
For every male buffalo	0	12
For every ass	0	6
For every dog	0	12
For every pig	0	8

Signature

Date Residence

Rates of tolls.

(See section 108.)

[Schedule D.]

21. (1) Tolls shall be levied at rates not exceeding the following :—

Tolls.

	Rs.	a.
On every four-wheeled motor-vehicle fitted with pneumatic tyres and seating less than 10 persons	0	12
On every other four-wheeled motor-vehicle	1	8
On every four-wheeled carriage	0	8
On every jatka, hackney or cart laden	0	4
On every jatka, hackney or cart not laden, ordinary bicycle or tricycle	0	2
On motor bicycles with side car and motor tricycles	0	6
On motor bicycles without side car, palanquins and every other carriage	0	4
On every buffalo, bull or bullock, cow or ass, laden or ridden	0	1
On every horse or mule of thirteen hands or over	0	2
On every horse or mule under thirteen hands	0	1
On every elephant	1	0
On every camel	0	4

(2) An animal shall not be classed as laden when it is merely accoutred for being laden or ridden.

(3) The payment of a toll in respect of any vehicle covers the animals engaged in drawing it.

(4) Tolls are leviable upon vehicles irrespective of the means of traction employed.

(5) Not more than a single payment of toll may be demanded in respect of any vehicle or animal during any one period of twenty-four hours counted from mid-night to mid-night; and on such payment being made a receipt in such form as the council may prescribe, shall be granted by the toll-keeper.

Appeals.

22. No appeal shall lie to the council in respect of the assessment and imposition of taxes except against— [97 (1)]

(*a*) assessments made by the revenue divisional officer under rule 4;

(*b*) the chairman's proceedings under rule 17;

(*c*) the chairman's order under rule 18 upon a revision petition; and

(*d*) the imposition by the chairman of any tax on any carriage, animal, or cart, or of the tax on servants.

23. The council may, of their own motion, or otherwise, cancel, or modify any order passed by the chairman reducing or remitting a tax. [97 (2)]

24. An appeal shall be made in writing and shall set forth concisely and under distinct heads the grounds of objection to the decision or other proceedings appealed against. [98]

25. No appeal to the council shall be heard— [99]

(*a*) unless it be presented at the municipal office—

(i) within fifteen days from the service or sending of the notice or table referred to in sections 93 and 100; or

(ii) within fifteen days from the date upon which the tax becomes payable under sections 84 or 103 or under rule 15; or

(iii) within three days from the service of the notice referred to in section 106

Provided that the council may admit an appeal within fifteen days after the time prescribed in this rule, if cause be shown to their satisfaction for not preferring it within the prescribed time; and

(*b*) unless (except when the chairman otherwise directs on the ground of poverty) the tax in respect of which the appeal is presented has been deposited at the municipal office on or before the day upon which the appeal is presented.

[100]. 26. The assessment books maintained under rule 3 shall be corrected in accordance with any orders passed by the council on appeal; in the event of the amount of any tax being decreased or remitted by the council, the chairman shall grant a refund accordingly.

[101] 27. The assessment or demand of any tax, when no appeal is made, as hereinbefore provided, and the adjudication of an appeal by the council, shall be final

Collection of taxes.

(See section 123.)

[102 (1)] 28. (1) When any tax in respect of which no notice or table has been served or sent or direction given, as provided in sections 93, 100 and 106 and in rule 1, is due from any person, the chairman shall serve upon such person a bill for the sum due before he proceeds to enforce the provisions of the next rule.

[102 (2)] (2) Such bill shall be signed by the chairman and shall contain—

(*a*) a statement of the period and a description of the occupation, property or thing for which the tax is charged; and

(*b*) a notice of the liability incurred in default of payment.

[103] 29. (1) If the amount due on account of any tax is not paid within fifteen days from the service or sending of the notice, table or bill or the giving of the direction referred to in sections 93 and 100 and rules 14 and 28 or within three days from the service of the notice referred to in section 106, and if the person from whom the tax is due has not shown cause to the satisfaction of the chairman why it should not be paid, the chairman may recover by distraint under his warrant and sale of the movable property of the defaulter, the amount due on account of the tax together with the warrant fee and the distraint fee, and with such further sum as will satisfy the probable charges that will be incurred in connexion with the detention and sale of the property so distrained;

[103] Provided always that movable property described in the proviso to section 60 of the Code of Civil Procedure, 1908, shall not be liable to distraint.

(2) If for any reason the distraint, or a sufficient distraint, of the defaulter's

property is impracticable, the chairman may prosecute the defaulter before a magistrate.

(3) Nothing herein contained shall preclude the corporation from suing in a civil court for any amount due to them under this Act.

[104]

(4) The warrant under sub-rule (1) shall be in the form contained in appendix A to these rules or in some similar form ; and for each such warrant a fee of two annas shall be leviable.

[105]

(5) Under a special order in writing of the chairman any officer charged with execution of a warrant of distress may, between sunrise and sunset, break open any outer or inner door or window of building in order to make the distress, if he has reasonable ground for believing that such building contains property which is liable to seizure, and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance :

Provided that such officer shall not enter or break open the door of any apartment appropriated to females, until he has given three hours' notice of his intention and has given such females an opportunity to remove themselves.

[106]

50. (1) The officer charged with the execution of a warrant shall, before making the distraint, demand payment of the tax due and the warrant fee. If the tax and fee are paid no distraint shall be made, but if not, the officer shall—

(a) seize such movable property of the defaulter as he may think necessary;

(b) make an inventory of the property seized ; and

(c) give to the person in possession of the property seized at the time of seizure a copy of the inventory and the notice of sale in the form in appendix B to these rules or in some similar form.

[106]

(2) The distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible proportionate in value to the sum due by the defaulter, together with all expenses incidental to the warrant, distraint, detention and sale.

[107]

51. (1) If the amount due by the defaulter on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention of

the property are not paid within the period of seven days mentioned in the notice given under rule 30 and if the distraint warrant is not suspended by the chairman, the property seized or a sufficient portion thereof shall be sold by public auction under the orders of the chairman, who shall apply the proceeds of the sale to the payment of the amount due on account of the tax, the warrant fee and the distraint fee and the expenses incidental to the detention and sale of the property, and shall return to the person in whose possession the property was at the time of seizure any property or sum which may remain after the sale and the application of the proceeds thereof as aforesaid. If the proceeds of the sale are insufficient for the payment of the amount due on account of the tax, the warrant fee and distraint fee and the expenses incidental to the detention and sale of the property, the chairman may again proceed under rule 29 in respect of the sum remaining unpaid.

(2) When the property seized is subject to speedy and natural decay, the chairman may sell it at any time before the expiry of the said period of seven days, unless the amount due is sooner paid.

(3) The chairman shall consider any objections to the distraint of any property which are made within the said period of seven days and may postpone the sale pending investigation thereof. If the chairman decides that the property attached was not liable to distraint, he shall return it, or, if it has already been sold, the proceeds of the sale to the person appearing to be entitled thereto and may again proceed under rule 29 ; and all fees and expenses connected with the first distraint and sale shall be recoverable from the defaulter if it shall appear to the chairman that he wilfully permitted the distraint of the property which to his knowledge was not liable to distraint.

[108] 32. (1) Distraint fees shall be payable at such rates not exceeding those mentioned in appendix C to these rules as may be, from time to time, determined by the council.

(2) Such fees shall not be held to include the expenses incidental to the detention of any property distrained under this Act.

[109]

33. The property of a person in default under rule 29 may be distrained wherever it may be found within the municipality.

[110]

34. If the tax due on account of any building or land remains unpaid at the end of the period mentioned in rule 29, the chairman may, if the said tax has not remained unpaid for more than twelve months, require the occupier for the time being of such building or land to pay the amount within a specified period; and if the occupier fails to comply with this requisition, the chairman may distrain and sell any movable property found on the premises, and the provisions of the foregoing rules shall, *mutatis mutandis*, apply to all distraints and sales effected under this rule; provided that no occupier shall be liable to prosecution or to a civil suit in respect of any sum recoverable from him under this rule, unless he has wilfully prevented distraint or a sufficient distraint.

[111]

35. Every person who is prosecuted under rule 29 shall be liable, on proof to the satisfaction of the magistrate that he wilfully omitted to pay the amount due by him or that he wilfully prevented distraint or a sufficient distraint, to pay a fine not exceeding twice the amount which may be due by him on account of—

(*a*) the tax and the warrant fee, if any, and

(*b*) if distraint has taken place, the distraint fee and the expenses incidental to the detention and sale, if any, of the property distrained; and he shall also pay the said amount and the costs of the prosecution.

Part II.—Finance Rules.

Authorized objects of expenditure.

(See section 123.)

[113]

36. The purposes to which the municipal fund may be applied include all objects expressly declared obligatory or discretionary by laws or rules, and in general everything necessary for, or conducive to the safety, health, convenience or education of the inhabitants or to the amenities of the municipality and everything incidental to the administration; and the fund shall be applicable thereto within the municipality subject to these rules and such further rules or special orders as the Governor in Council may

prescribe or issue; and shall be applicable thereto without the municipality if the expenditure is authorized by this Act, or specially sanctioned by the Governor in Council.

[118] 37. The objects of expenditure connected with the public safety include the following:—

(*a*) the lighting of public streets and the provision, purchase, exploitation and maintenance of electric, gas or other undertakings for lighting public and private streets, places and buildings;

(*b*) extinction of fires;

(*c*) control, supervision or removal of dangerous places, buildings, trades and practices;

(*d*) regulation of traffic;

(*e*) prevention and removal of obstructions in public streets or places;

(*f*) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity.

38. The objects of expenditure connected with the public health include the following:—

(*a*) the construction and maintenance of hospitals and dispensaries and temporary places of reception, within the municipality or without the municipality for the treatment of infectious diseases occurring in the municipality; building hospitals and dispensaries and places of reception for the sick in general; contributing towards hospitals, dispensaries or places of reception provided by the Governor in Council; contracting for the use of a hospital or part of a hospital, dispensary or place of reception; combining with any other local authority or with the Governor in Council to provide a common hospital, dispensary or place of reception; sending indigent inhabitants of the municipality to institutions outside the municipality for treatment; the training of medical practitioners, medical subordinates, midwives, nurses, health officers, sanitary inspectors and analysts, the provision of nurses for attendance on patients suffering from infectious diseases at the houses of such persons; vaccination and the training and supervision of vaccinators and the provision of lymph; the registration of births, deaths and marriages; the enumeration of the inhabitants of the municipality and other measures of a like nature;

(*b*) the construction and maintenance of lunatic asylums;

(*c*) the construction, establishment and maintenance, supervision and control of public markets and slaughter-houses; of latrines; of sewage farms and all works for the removal or disposal of sewage; of water-works, drinking fountains, tanks and wells; of wash-houses and dhoby-khanas; of parks, squares and gardens; the reclamation of unhealthy localities; and other sanitary measures of a like nature;

(*d*) the cleansing and watering of streets and drains; scavenging; the removal of excessive or noxious vegetation; the abatement of all nuisances;

(*e*) the regulation and control of offensive or dangerous trades, of unhealthy buildings or localities, and of burial and burning grounds and crematoria; the provision of sites for and the closing of burial and burning grounds; the provision of new sites for offensive and dangerous trades and of special locations for factories; the acquisition of congested areas and the provision of new sites, whether within or without municipal limits, to relieve congestion or to provide for the growth of population; improvement and reclamation of land, planning, surveying and control of town-extensions, whether within or without municipal limits, redistribution of sites in such extensions and all measures of a like nature.

38. The objects of expenditure connected with the public convenience, education and amenities include—

(*a*) the construction, maintenance, diversion and improvement of streets, bridges, causeways, culverts and the like and the acquisition of the land necessary for the buildings to form or improve streets; the regulation of building; the construction of model dwellings and the encouragement of co-operative building societies by loans, grants of land, or prizes; the removal of projections and encroachments; the naming of streets; the numbering of houses; the planting and preservation of trees in public streets and places; the maintenance of public monuments;

(*b*) subject to rules 46 to 51, the establishment and maintenance of schools, the construction and maintenance of school-houses, public libraries and reading-rooms, museums, art-galleries, gymnasia or any other institutions connected with the diffusion of mental or physical culture or technical instruction or the training of teachers;

(*c*) the holding of industrial exhibitions or fairs;

(*d*) the construction, maintenance and adornment of public halls and theatres; the acquisition and maintenance of recreation grounds, playing-fields and promenades;

(*e*) subject to all provisions of law, the construction, maintenance and purchase or exploitation of tramways and other transport services (railways not included), of telephone systems, grass farms, dairies, public bakeries and other industrial concerns of public utility either within or without the municipal limits and whether or not in combination with other authorities or persons, and subscription to debenture loans of any such concerns;

(*f*) the employment of veterinary officers, the prevention of diseases of animals, the provision of places for the treatment of sick animals, and the prevention of cruelty to animals;

(*g*) the construction and maintenance of rest-houses, cheultries, poor-houses, pounds and other works of public utility;

(*h*) the provision and maintenance or holding of zoological and horticultural gardens and exhibitions;

(*i*) the provision of standard weights, scales and measures and public weighing places;

(*j*) the provision and maintenance of public baths and bathing-places;

(*k*) the provision of music for the people;

(*l*) the provision and maintenance of public clocks and clock-towers or a time gun.

40. With the previous sanction of the Governor-General in Council, the council may—

(*a*) upon any of the public streets in the town or upon any land in or without the town which is vested in the council, construct or maintain any railway which may appear to the council to be useful or necessary for the removal of rubbish and offensive matter or for any of the other purposes of this Act,

(*b*) use and employ upon any such railway locomotive engines or other motive power and carriages and wagons to be drawn or propelled thereby,

(*c*) carry and convey passengers and goods upon any such railway,

(*d*) make such reasonable charges in respect of such passengers or goods as the council may from time to time determine,

(*e*) from time to time enter into any contract with any person for the construction, maintenance and working of any such railway in or without the town,

(*f*) from time to time enter into any contract with any person for the passage over any such railway of locomotive engines or other motive power, carriages and wagons belonging to or controlled by such person upon the payment of such tolls or rent, and under such conditions and restrictions, as may be mutually agreed upon, and

(*g*) lease any such railway to any person upon such terms and under such conditions and restrictions as may be mutually agreed upon

Note.—The term 'railways' in this rule does not include 'tramways.'

41. The objects of expenditure incidental to the administration include :—

(*a*) the provision and maintenance of a principal municipal office and record room and of other offices with the cost of appurtenances and fittings and insurance;

(*b*) salaries, allowances, liveries, pensionary contributions and provident fund contributions, gratuities, and pensions of, and the cost or hire of vehicles for, the municipal officers and servants; study leave allowances of professional officers and subordinates; sending municipal servants to the Pasteur Institute, Coonoor, for treatment;

(*c*) stationery, printing and all office and advertising expenses;

(*d*) legal expenses;

(*e*) the expenses (if any) of holding elections;

(*f*) the provision and maintenance of municipal workshops;

(*g*) municipal surveys, the preparation of maps of the municipality and the preparation and maintenance of a record of rights in immovable property.

Obligatory expenditure.

42. Expenditure on the following objects is obligatory subject to special directions that the Governor in Council may issue in respect of any municipality by notification :— [New.] 113

(*a*) the principal municipal office and record-room;

(*b*) maintenance of public property and monuments vested in the municipality;

(*c*) maintenance of property owned by the municipality;

(*d*) salaries and pensionary and provident fund contributions, gratuities, and pensions of the municipal officers and servants according to the conditions on which such persons entered the municipal service;

(*e*) scavenging;

(*f*) lighting the public streets;

(*g*) burial and burning-grounds where no sufficient number is provided by other agency;

(*h*) medical relief to the extent laid down in rules 43, 44, and 45;

(*i*) diffusion of education to the extent laid down in rules 46 to 50;

(*j*) registration of births and deaths;

(*k*) vaccination;

(*l*) provision of slaughter-houses;

(*m*) payment of interest on and amortization of debt (if any);

(*n*) all other objects declared obligatory by law or rule.

Obligatory medical expenditure.

43. (1) The corporation shall provide and maintain either from endowments or from the municipal fund or by grants-in-aid therefrom, in accordance with such rules as may from time to time be prescribed by the Governor in Council, a hospital or dispensary where the sick poor of the municipality shall be entitled to receive medical and surgical advice and treatment free of charge; and the corporation shall provide and maintain more than one such hospital or dispensary if the Governor in Council directs them to do so:

[125]

Provided that the Governor in Council shall not so direct until the council shall have had an opportunity of submitting their views on the subject to the Governor in Council:

Provided further that the corporation shall not be bound to provide or maintain any such hospital or dispensary when, in the opinion of the Governor in Council, sufficient provision has otherwise been made for the treatment, free of charge, of the sick poor of the municipality.

(2) Any inhabitant of the municipality, who is not a fit object of public charity, may, subject to such regulations as the council, with the approval of the Governor in Council, may from time to time frame, obtain medical or surgical advice and treatment from any hospital or dispensary maintained by the corporation from endowments or from the

[127 (1)]

municipal fund; provided that any charges incurred by the corporation in the medical or surgical relief of persons other than the sick poor of the municipality or those unable to pay a medical attendant shall be re-imbursed by such persons.

(3) The corporation may also permit the treatment in the hospitals or dispensaries maintained by them from endowments or from the municipal fund of any person not resident in the municipality. [128]

44. The corporation shall provide every hospital or dispensary provided or maintained by them with all necessary drugs, instruments, apparatus, furniture and appliances on a scale approved by the Governor in Council, and when, in the opinion of the council, provision for in-patients may be necessary, they shall also provide a sufficient number of cots, bedding, clothing, furniture and diet for such in-patients. [126]

45. The corporation shall employ a medical officer for any hospital or dispensary maintained by them from endowments or from the municipal fund. [127 (2)]

Obligatory educational expenditure.

46. The corporation shall, so far as the funds at their disposal may admit, make provision for the instruction in schools of all children of school-going age resident within the limits of the municipality, for whose instruction provision shall not otherwise have been made. [117]

47. The corporation may provide instruction—

(i) either by schools maintained wholly from the municipal fund or

(ii) by means of grants-in-aid to private schools from the said fund in accordance with such rules as may from time to time be prescribed by the Governor in Council, or [118]

(iii) by contributing towards the cost of Government schools, or

(iv) by more than one of such means

48. The corporation may, with the previous sanction of the Governor in Council, maintain either wholly from the municipal fund, or by grants-in-aid therefrom, elementary schools to which admission may be wholly or partly free for any class of the inhabitants which, in the opinion of the council, is by reason of poverty unable to pay the fees leviable in schools maintained by the corporation, whether wholly from the municipal fund or by grants-in-aid therefrom. [119]

[120]

49. (1) If at any time it seems advisable to the Governor in Council that a grant-in-aid should be made to any school maintained solely for the instruction of the children of any particular class of the inhabitants of any municipality he may direct the municipal council to make such grant to such school; and the council shall make it accordingly; provided that the Governor in Council shall not so direct until the council shall have had an opportunity of submitting their views on the subject to the Governor in Council.

[121]

(2) The instruction to be provided by the corporation shall be of such standards as may from time to time be determined by the Governor in Council.

50 (1) The corporation shall levy in every school maintained by them wholly from the municipal fund fees in accordance with such rates as may from time to time be determined by the Governor in Council; provided that if the council are satisfied that the parent or guardian of any child, resident in the municipality, is by reason of poverty unable to pay for the elementary education of such child they may remit the whole or part of the fees, but they shall not compel the parent or guardian of such child to send such child, in consideration of the said relief, to any particular municipal school.

[122]

(2) The proceeds of all fees levied by the corporation as aforesaid shall be expended by the corporation for the provision of instruction by means of schools.

Discretionary educational expenditure.

51. The corporation may also provide wholly from the municipal fund, or by means of grants-in-aid therefrom,

(i) for the inspection of schools maintained by them, whether wholly from the municipal fund or by grants-in-aid therefrom,

(ii) for the training of teachers for schools aided or maintained from the municipal fund;

[124]

(iii) for the instruction and training of persons for the practice of medicine, or of vaccination, or of any technical or industrial calling; and

(iv) for the maintenance of public libraries, reading-rooms, gymnasia or any other institutions connected with the diffusion of education, which may be approved by the Governor in Council.

Extraordinary expenditure.

52. A municipal corporation may, with the sanction of the Governor in Council,

(1) contribute towards the expenses of any public exhibition, ceremony or entertainment in the municipality;

(2) defray the cost of the preparation and presentation of addresses to persons of distinction visiting the municipality;

(3) contribute to any charitable fund or to a fund for the defence of the municipality, India or the empire or to the funds of any institution for the relief of the poor or the treatment of disease or infirmity or the reception of diseased or infirm persons or the investigation of the causes of disease;

(4) pay a conveyance allowance to the chairman; [New]

(5) pay the expenses of the chairman, members of the council and municipal officers and servants travelling on municipal business [113 (viii)]

and (6) any other extraordinary charges.

Receipts and payments.

53. All moneys received by the corporation shall be lodged in the nearest Government treasury or, with the sanction of the Governor in Council, in a bank: [28 (1)]

Provided that the municipal council may, with the sanction of the Governor in Council invest any sums not required for immediate use either in a Government savings bank or in Government securities, or in any other security which may be approved by the Governor in Council.

54. (1) All orders or cheques against the municipal fund shall be signed by the chairman, or the vice-chairman or in the absence of both the chairman and the vice-chairman, by any two members of the council, duly authorised in this behalf by the chairman. The council may also empower any of its officers to sign orders or cheques for the payment of salary, travelling or other allowances becoming due to them for service under the corporation. The treasury or bank in which the fund is lodged shall, so far as the funds to the credit of the corporation admit, pay all orders or cheques against the fund which are so signed. [28 (2)]

(2) If the council shall have given previous authority in writing such treasury or bank may at once pay out of the municipal fund without such order or cheque any expense which the Governor in Council has incurred on behalf of the corporation.

Audit, surcharge and disallowance.

55. The chairman shall submit all accounts to auditors as required by them.

56. The auditors may—

(*a*) by summons in writing require the production of any document, the perusal or examination of which they believe necessary for the elucidation of the accounts;

(*b*) by summons in writing require any person having the custody or control of any such document or accountable for it to appear in person before them;

(*c*) require any person so appearing to make and sign a declaration with respect to such document or to answer any question or to prepare and furnish any statement relating thereto.

57. The auditors shall—

[City Act, 112]

(*a*) report to the council any material impropriety or irregularity which they may observe in the expenditure, or in the recovery of moneys due to the council or in the municipal accounts;

(*b*) furnish to the council such information as they may require concerning the progress of their audit;

(*c*) report to the council any loss or waste of money or other property owned by or vested in the council caused by neglect or misconduct, with the names of persons, directly or indirectly responsible for such loss or waste; and

(*d*) submit to the council a final statement of the audit and a duplicate copy thereof to the Governor in Council within a period of three months from the end of the financial year, or within such other period as the Governor in Council may notify.

[City Act, 113]

58. The chairman shall forthwith remedy any defects or irregularities that may be pointed out by the auditors and report the same to the council.

[New]

59. (1) The auditors shall disallow every item contrary to law and surcharge the same on the person making, or authorising the making of, the illegal payment; and shall charge against any person responsible therefor, the amount of any deficiency or loss incurred by the negligence or misconduct of that person or of any sum which ought to have been but is not brought into account by that person and shall, in every such case, certify the amount due from such person.

(2) The auditors shall state in writing the reasons for their decision in respect of every disallowance, surcharge or allowance and furnish a copy thereof to the person against whom it is made

60. Any person aggrieved by disallowance made may, within fourteen days after he has received or been served with the decision of the auditor, apply to the principal civil court of original jurisdiction to set aside such disallowance or surcharge and the court, after taking such evidence as is necessary, may confirm, modify or remit such disallowance or surcharge with such orders as to costs as it may think proper in the circumstances; or in lieu of such application any person so aggrieved may appeal to the Governor in Council who shall pass such orders as he thinks fit. [New]

61. Every sum certified to be due from any person by auditors under this Act shall be paid by such person to the chairman within 14 days after the intimation to him of the decision of the auditors unless within that time such person has appealed to the court or to the Governor in Council against the decision; and such sum if not so paid, or such sum as the court or the Governor in Council shall declare to be due shall be recoverable on an application made by the chairman to the court in the same way as an amount decreed by the court. [New]

APPENDIX A.

Distraint Warrant.

Warrant No. Tax

To

(Name of officer charged with execution of warrant.)

Whereas of has not paid or shown sufficient cause for the non-payment of the sum of Rs. due for the tax or taxes noted above for the ending 19 , although the said sum has been duly demanded from the said and fifteen * days have elapsed since such demand was made: This is to command you to demand the said sum of Rs. together with annas two for warrant fee, failing payment of which you are to distrain the goods and chattels of the said (or as the case may be, any goods and chattels found on the premises referred to), to the amount of the said sum of Rs together with Rs. for warrant fee and distraint fee making together a sum of Rs. A. P. and such further sum as may be sufficient to defray the charges of taking, keeping and selling such distraint; and if within seven days next after such distraint, the amount due on account of the said taxes and fees shall not be paid, together with such further sum as may be sufficient to defray the charges of taking and keeping such distraint, to sell the said goods and chattels under orders to be hereafter issued by me, and to remit to the municipal office the sale-proceeds of the distraint property, out of which the amount due on account of the said taxes and fees (viz.), Rs. A. P. and the charges of taking, keeping, and selling such distraint, will be deducted and credited to the municipal fund, and the surplus, if any, returned to the owner of the articles distrained. If sufficient distraint cannot be found of the goods and chattels of the said , you are to certify the same to me together with this warrant

(* Three days in case of tax on servants.)

Station
Date 19 .

Signature of the Chairman.

APPENDIX B.

Form of Inventory and Notice.

(State particulars of goods seized.)

Take notice that I have this day seized the goods and chattels specified in the above inventory for the sum of rupees due for the taxes mentioned in the margin for the 191[illegible], and that unless you pay into the office of the municipality of the amount due together with the warrant-fee, the distraint fee and the cost of taking and keeping the goods and chattels, within seven days from the day of the date of this notice, the goods and chattels will be sold on the day of 19 , at the municipal office or at such other place as the Chairman may direct; and that the goods and chattels may be sold at any previous date, if they are liable to speedy and natural decay.

(Signature of the officer executing the warrant of distress.)

Date 19 .

APPENDIX C.

Table of fees payable on distraints.

Sum distrained for.				Fees.		
				Rs.	A.	P.
Under 1 rupee				0	4	0
1 and under 5	rupees			0	8	0
5	"	10	"	1	0	0
10	"	15	"	1	8	0
15	"	20	"	2	0	0
20	"	25	"	2	8	0
25	"	30	"	3	0	0
30	"	35	"	3	8	0
35	"	40	"	4	0	0
40	"	45	"	4	8	0
45	"	50	"	5	0	0
50	"	60	"	6	0	0
60	"	80	"	7	8	0
80	"	100	"	9	0	0
100 and above		100	"	10	0	0

The above charge includes all expenses, except when peons are kept in charge of property distrained, in which case three annas must be paid daily for each man.

SCHEDULE V.

Purposes for which premises may not be used without a licence under section 248.

(See section 248.)

[G.O. 2365 M., 17th December 1909.]

(*a*) Washing soiled clothes and keeping soiled clothes for the purpose of washing them, and washed clothes;

(*b*) boiling paddy, camphor or oil;

[188]

(*c*) melting tallow or sulphur;

(*d*) storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins;

(*e*) washing or drying wool or hair;

(*f*) making fish-oil;

(*g*) making soap, dyeing, boiling or pressing oil, making bricks, tiles, pottery or lime;

(*h*) manufacturing or distilling sago; manufacturing artificial manure;

(*i*) manufacturing gunpowder or fireworks;

[G.O. 605 M., 18th April 1911.]

(*j*) keeping a public halting-place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee house, boarding house or lodging-house (other than a students' hostel under public or recognized control);

(*k*) keeping together twenty or more sheep or goats or ten or more pigs or head of cattle;

(*l*) preparing flour or articles made of flour;

(*m*) manufacturing ice or aerated waters;

(*n*) selling or storing timber, firewood, thatching materials, hay, grass, straw, fibre or coal;

(*o*) selling grain or jaggery wholesale or storing grain or jaggery for the wholesale trade;

[188 (*h*), (*i*), (*k*).]

(*p*) in general storing any explosive or combustible material, manufacturing anything from which offensive or unwholesome smells arise, using for any industrial purpose any fuel or machinery or doing in the course of any industrial process anything which is likely to be dangerous to human life or health or property;

Provided that no licence shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre, or coal for private use

SCHEDULE VI.

List of dangerous diseases.

(See section 285.)

Cholera.
Diphtheria.
Enteric fever.
Leprosy.
Measles.
Plague
Smallpox.
Tuberculosis.
Typhoid fever.

SCHEDULE VII.

Ordinary Penalties.

(See section 310.)

Section or rule. (1)	Sub-section or clause. (2)	Subject (3)	Fine which may be imposed. (4)
86	..	Failure to give notice of transfer of title or to produce documents.	Fifty rupees.
(New)	..	Failure to send notice to chairman after completion of construction or re-construction of building.	Do.
87 (173)	..	Failure of owner or occupier to furnish return of rent, etc. ..	One hundred rupees.
89	(1)	Failure of owner or occupier to obey requisition to furnish list of persons carrying on professions, art, etc.	Do.
(New)	..	Failure of employer or head of an office, firm or company to obey requisition to furnish list of persons in his employ	Do.
94 (81-B)	..	Failure of occupier to obey requisition to furnish statement of vehicles and animals liable to taxation or furnishing incorrect statement.	Ten rupees.
95 (81-C)	..	Failure to obey order to affix and register number of carriage ..	Do.
102 (81-D)	..	Failure of owner to register cart or other vehicle	Do.
102 (New)	..	Failure to have or keep registration number affixed to cart ..	Do.
103 (81-E)	(2)	Attempt to evade payment of toll	Fifty rupees.
103 (83)	(3)	Trespassing on premises connected with the water-supply ..	Do.
110 (85)	..	Failure to maintain house-connexions in conformity with by-laws and regulations	Do.
126 (180)	..	Failure to obey requisition to make house-connexion	Do.
128 (New)	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Do.
129 (201)	(1) & (3)	Failure to obey requisition as to house-drainage	Do.
137 (New)	1 (b)	Failure to obey direction as to limited use of drain or notice requiring construction of distinct drain	Do.
138 (New)	..	Unlawful construction of building over public drain	One hundred rupees
142 (211-13)	(3)	Failure to obey requisition regarding culverts, etc., or to keep them free from obstruction.	Fifty rupees.
143 (156 (1))	..	Failure to obey requisition to maintain troughs and pipes for catching, etc., water from roof or other part of building.	Do
144 (156 (3))	..	Failure to obey requisition to provide latrines or to remove latrine to another site and failure to keep latrines clean and in proper order	Do.
146 (207)	..	Failure to provide latrines for premises used by large numbers of people or to keep them clean and in proper order.	One hundred rupees.
147 (208)	..	Failure to obey requisition to provide latrines for market, cattle-stand or cart-stand, or to keep them clean and in proper order.	Do.
148 (New).	..	Failure to construct latrines so as to screen person using them from view.	Twenty rupees.
149 (207 (2))	..	Making connexion with mains without permission	Two hundred rupees.
152 (211)	..	Improper disposal of carcasses, rubbish and filth	Ten rupees.
153 (210)	(1)	Failure to deposit filth in receptacle, etc.	Do.
153 (210)	(2)	Allowing rubbish or filth to accumulate on premises for more than twenty-four hours, etc	Twenty rupees.
154 (211)	..	Allowing filth to flow in streets	Ten rupees.
161 (212)	..	Using cart without cover in removal of filth, etc.	Twenty rupees.
162 (213)	..	Throwing rubbish or filth into drains	Do.
164 (214)	..	Building within regular lines of street without permission ..	One thousand rupees.
165 (164)	..	Unlawful displacement, etc., of pavement or fences, posts and other materials of public street.	Fifty rupees.
174 (160)	..		

Ordinary penalties—*cont*

Section or rule (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
178 (161)	(6)	Unlawful making or laying of new private street	Five hundred rupees.
179 (162)	..	Failure to obey regulation to metal, etc., private street	One hundred rupees
180 (163 (1))	..	Building wall or erecting fence, etc., in a public street	Do.
181 (167 (2))	..	Allowing doors, ground floor windows, etc., to open outwards without hooks or ordinary to notice	Twenty rupees.
182 (165)	..	Failure to remove permanent encroachment	Two hundred rupees.
183 (166)	..	Failure to remove temporary encroachment	Fifty rupees.
184 (170 (3))	..	Unlawful removal of bar, or obering timber, etc., or removal or extinction of light.	Twenty rupees.
186 (173)	..	Unlawful making of hole or placing of obstruction in street ..	Fifty rupees.
187 (171)	..	Construction, etc., of building without license where street or footway is likely to be obstructed.	Do.
		Failure to fence, etc., such building while under repair or failure to remove obstruction	Do
189 (174)	(3)	Unlawful destruction, etc., of name of street	Twenty rupees
190 (182)	(2)	Unlawful destruction, etc., of number of building	Five rupees.
190 (New)	(3)	Failure to replace number when required to do so	Twenty rupees
195 (178)	..	Construction of external roofs, etc., with inflammable materials ..	Fifty rupees
196 (167)	..	Construction of door or window, etc., to open outwards on public street.	Twenty rupees.
216 (180 (iii))	..	Failure to keep external walls of premises in proper repair ..	Do.
218 (183)	(1)	Failure to obey requisition to take down, repair or secure dangerous structure.	Five hundred rupees.
221 (183)	(1)	Failure to obey requisition to secure, lop, or cut down dangerous tree.	Fifty rupees.
222 (185)	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood.	Do.
223 (179)	..	Failure to obey notice regarding precautions against fire	One hundred rupees.
224 (New)	(1)	Constructing well, etc., without permission	Fifty rupees.
	(3)	Failure to obey notice to fill in or demolish well, etc.	Do
226 (New)	..	Failure to obey requisition to repair, etc., tank or well, or drain off water, etc.	Do
229 (228-A)	..	Cultivating contrary to prohibition or regulations	Five hundred rupees.
227 (185)	..	Failure to obey requisition to cleanse or close, etc., tank, well or other source of water used for drinking.	Fifty rupees.
229 (184)	..	Unlawful washing and fishing in river, etc., after prohibition or contrary to regulations.	Twenty rupees.
230 (186)	..	Boiling water of tanks, etc.	Do
231 (186)	..	Failure to obey requisition to enclose, clear or cleanse unlicensed premises	Fifty rupees.
233 (186 (1))	..	Failure to obey requisition to clean premises, etc., building or land to filthy state or overgrown with noxious vegetation.	Do.
233 (175)	..	Failure to obey requisition to fence building or land, or trim, prune or cut hedges and trees.	Do.
234 (185 (3))	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Do.
235 (187)	..	Failure to obey requisition to execute work or take other action with respect to insanitary buildings.	One hundred rupees in the case of masonry building and fifty rupees in the case of hut.
236 (New)	(2)	Using or allowing the use of buildings unfit for human habitation after prohibition.	Twenty rupees for each day.
	(4)	Failure to obey requisition to demolish the same	Do.
237 (210)	(1)	Allowing overcrowding in building after order to abate the same..	Ten rupees for each day.
	(4)	Failure to obey requisition to vacate overcrowded building or room.	Do
238 (175-A)	..	Feeding animals on filth	Fifty rupees.
239 (250 A)	..	Unlawful keeping of animal so as to be a nuisance or dangerous ..	Ten rupees
244 (189)	..	Use of place as stable, cattle-stand, etc., without license or contrary to license.	Fifty rupees.
245 (189)	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do.
246 (189)	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by Chairman.	Two hundred rupees.

Ordinary penalties—*cont.*

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Fine which may be imposed. (4)
249	(1) & (3)	Unlawful erection of steam-boiler or machinery	One thousand rupees.
(New)	(2)	Disobedience of order regarding chimneys	Five hundred rupees.
250	(2)	Disobedience of order regarding hours of work	One hundred rupees.
(New)	(4)	Using rice-husk, etc., for fuel without permission	Do.
251	..	Using steam-whistle, etc., without permission	Fifty rupees.
(New)	..	Use of place as slaughter-house without licence or contrary to licence.	Two hundred rupees.
252	..	Slaughter of animals for sale or food or skinning or cutting up carcasses or drying skin without licence.	Twenty rupees for every animal, carcass or skin.
(192)	..	Carrying on milk trade without licence or contrary to licence ..	Fifty rupees.
253	..	Sale or exposure for sale in public market of animal or article of food without licence.	Twenty rupees.
(New)	..	Opening or keeping open private market without licence or contrary to licence	Five hundred rupees.
254	..	Sale or exposure for sale of animal or article in unlicensed private market.	Twenty rupees.
(195)	..	Failure to obey direction to construct approaches, drains, etc., to private markets or to pave them.	Fifty rupees.
(196)	..	Opening or keeping open of private market after suspension or refusal of licence for default to carry out works.	Twenty rupees for each day.
(197)	..	Nuisance in private markets	Twenty rupees.
255	..	Carrying on butcher's, fishmonger's or poulterer's trade without licence, etc.	One hundred rupees.
(198)	..	Sale of article in public streets after prohibition or contrary to regulations.	Ten rupees.
256	..	Preventing the chairman or any person authorized by him from exercising his powers of entry, etc., under this section.	Fifty rupees.
(199)	..	Removing or in any way interfering with an animal or article secured under section 273.	Five hundred rupees.
257	..	Use or allowance of use of burial or burning ground which has not been registered, licensed or provided.	One hundred rupees.
(200)	..	Failure to give information of burials or burnings in burial or burning ground.	Twenty rupees.
258	..	Burial or burning in place after prohibition	One hundred rupees.
(201)	..	Offences in respect of corpses	Fifty rupees.
259	..	Discharge of office of attendant at place for disposal of dead without licence.	Five rupees.
(202)	..	Failure of medical practitioner or owner to give information of existence of dangerous disease in private or public dwelling	Fifty rupees.
260	..	Failure to obey regulation to cleanse or disinfect buildings, or articles.	Do.
(New)	..	Washing of infected articles at unauthorized places	Do.
261	..	Giving, lending, etc., of infected articles	Do.
(203)	..	Using water after prohibition	Do.
262	..	Infected person carrying on occupation	Do.
(203-A)	..	Travelling of infected person in public conveyance without taking proper precautions against spread of disease.	Two hundred rupees
263	..	Entry of infected person into public conveyance without notifying fact of infection.	Fifty rupees.
(New)	..	Carrying infected person in public conveyance	Do.
264	(1)	Letting or subletting of infected building without previous disinfection, etc.	Do.
(232-A)	(2)	Failure to give information of smallpox	Fifty rupees.
265	(3)	Person entering municipality within forty days of inoculation without certificate	One hundred rupees.
(204)	..	Failure to produce licence on request	Five rupees.
266	(3)	Failure of occupier to obey requisition to permit owner to comply with provisions of Act.	Fifty rupees for each day
(205)	..	Obstructing or misleading municipal council (etc.)	Fifty rupees.
267	..	Removing mark set up for indicating level (etc.)	Do.
(206)	..	Removal, etc., of notice exhibited by or under orders of the corporation.	Do.
268	..	Unlawful removal of earth, sand or other material from land vested in the corporation or deposit of matter or encroachment on or on river, quarry, etc.	Twenty rupees.
(207)	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Fifty rupees.
269	..		
(208)	..		
Rule 58 of Schedule IV (New)	..		

SCHEDULE VIII.

Penalties for continuing breaches.

(See section 310.)

Section or rule. (1)	Sub-section or clause. (2)	Subject. (3)	Daily fine which may be imposed (4)
128	..	Failure to maintain house-connexions in conformity with by-laws and regulations.	Five rupees.
(New)			
130	(2)	Failure to obey requisition to make house-connexion	Do.
(New)			
136	..	Failure to maintain house-drains, etc., in conformity with by-laws and regulations.	Ten rupees.
(214)			
137	(2) & (3)	Failure to obey requisition as to house-drainage	Do.
(New)			
144	..	Failure to obey requisition to maintain trunchs and pipes for catching, etc., water from roof or other part of building	Do.
146 (iii)			
146	..	Failure to obey requisition to provide latrine or to remove latrine to another site and failure to keep latrines clean and in proper order.	Do.
(207)			
147	..	Failure to provide latrines for persons used by large numbers of people or to keep them clean and in proper order.	Twenty rupees.
(208)			
148	..	Failure to obey requisition to provide latrine for market, cattle-stand or sort-stand or to keep them clean and in proper order.	Do.
(New)			
168	..	Building within regular lines of street without permission ..	One hundred rupees.
(164)			
169	..	Failure to remove permanent encroachment	Ten rupees.
(169)			
169	..	Failure to remove temporary encroachment	Five rupees.
(169)			
168	..	Unlawful making of hole or placing of obstruction on street ..	Ten rupees.
(173)			
187	..	Construction, etc., of building without license where street or footway is likely to be obstructed.	Do.
(171)			
206	..	Construction of external roofs, etc., with inflammable materials ..	Do.
(179)			
216	..	Failure to keep external walls of premises in proper repair ..	Do.
(168 (iii))			
221	..	Failure to obey requisition to repair, etc., tank or other place dangerous to passengers or persons living in neighbourhood	Do.
(180)			
223	..	Failure to obey notice regarding precautions against fire	Do.
(179)			
225	..	Failure to obey requisition to repair, etc., tank or well or drain off water, etc.	Do.
(New)			
227	..	Failure to obey requisition to cleanse or close, etc., tank, well, etc., or other source of water used for drinking	Do.
(185)			
231	..	Failure to obey requisition to enclose, clear or cleanse untenanted premises.	Do.
(184)			
233	..	Failure to obey requisition to clear or cleanse, etc., building or land in filthy state or overgrown with noxious vegetation.	Do.
236 (1))			
233	..	Failure to obey requisition to fence building or land, or take, prune or cut hedges and trees.	Do.
(179)			
234	..	Failure to obey requisition to lime-wash or otherwise cleanse building.	Do.
185 (2))			
238	..	Failure to obey requisition to execute work or take alteration with respect to unsanitary buildings	Ten rupees in the case of masonry building and five rupees in the case of hut.
(187)			
239	..	Unlawful keeping of animal so as to be a nuisance or dangerous ..	Five rupees.
(201-A)			
244	..	Use of place, as stable, cattle-stand, etc., without license or contrary to license.	Ten rupees.
(189)			
245	..	Construction or maintenance of stable, cattle-shed, etc., contrary to Act or subsidiary legislation.	Do.
(189)			
249	..	Use of place as stable, cattle-shed, etc., contrary to notice issued by chairman.	Fifty rupees.
(195)			
249	(1) & (2)	Unlawful erection of steam-boiler or machinery	One hundred rupees.
(New)	(3)	Disobedience of order regarding chimneys	Fifty rupees.
250	(a)	Disobedience of order regarding hours of work	One hundred rupees
(New)			
251	..	Use of place as slaughter-house without license or contrary to license	Fifty rupees.
(202)			
256	..	Carrying on milk-trade without license or contrary to license ..	Five rupees.
(New)			
260	..	Opening or keeping open private market without license or contrary to license	One hundred rupees.
(196)			
261	..	Sale or exposure for sale of animal or article in unlicensed private market	Twenty rupees.
(197)			
267	..	Carrying on butcher's, fishmonger's or poulterer's trade without license, etc	Ten rupees.
(New)			
268	..	Failure to obey requisition to cleanse or disinfect buildings or articles.	Do.
(211)			
Rule 65 of schedule IV (new.)	..	Failure to obey requisition by auditors to attend, give evidence or produce document.	Twenty-five rupees

MADRAS DISTRICT MUNICIPALITIES BILL, 1919

STATEMENT OF OBJECTS AND REASONS.

The Bill has been drafted with the object of giving effect as far as possible, to the recommendations of the Royal Commission on Decentralization in regard to district municipalities and the views of the Secretary of State and the Government of India on them. The policy enunciated in the resolution of the Government of India on local self-Government, 1918, has also been kept in view in framing the provisions. The first draft of the Bill was placed before a committee including several non-official gentlemen with experience of municipal administration in the Presidency and was revised with reference to the suggestions made by them.

Constitution.

The Bill does not propose any substantial departure from the existing Act in regard to the constitution of municipal councils. A few changes introduced in this portion of the Bill may, however, be specified. Under the present Act (section 9) the Revenue Divisional Officer in charge of the division is a councillor ex-officio. A general provision of this nature is considered unnecessary and has been omitted. Clauses have been inserted regarding the formation of advisory and administrative committees of municipal councils (clauses 20 and 21). The emergency powers of Revenue Divisional Officers (section 36 of the Act) have been withdrawn: those vested in the Collector (clause 32 of the Bill) are considered adequate to safeguard public interests.

Finance.

The taxation provisions in the Act have been altered in material respects with the object of increasing the resources of municipal councils. Under the present Act the property tax is subject to a maximum of 8½ per cent on the annual value for general purposes and 8 per cent for purposes of water-supply and drainage. The committee recommended that no maximum should be fixed in the Act for

the property taxes and this recommendation has been accepted by the Governor in Council. In addition, provision has been made for—

(*a*) a lighting rate, to provide for the expenses connected with the lighting of the municipality by gas or electricity, and

(*b*) a railway rate, to be used solely for or to further the construction and maintenance of railways.

The scope of exemptions from the property tax has also been narrowed.

The scales of the profession tax and tolls and the tax on vehicles and animals have been remodelled so as to provide enhanced revenue and it has also been provided that a municipal council, may, with the sanction of the Governor in Council, and the Governor-General in Council substitute a surcharge on income-tax for the first eight classes of the tax on professions as specified in rule 17 of Schedule IV and the tax on companies.

The Bill widens the powers of councils in regard to taxation. They are given the power to fix the rates at which the several taxes shall be levied subject to the maxima mentioned in it and subject to the condition (applicable only in the case of indebted municipalities) that no resolution abolishing an existing tax or toll or reducing its rate shall be carried into effect without the sanction of the Governor in Council.

Establishment.

Councils are empowered to vary their establishments within the limits of maximum schedules prescribed by the Government. The Governor in Council retains control only over the appointment and punishment of the Secretary, the Health Officer and the Engineer.

Budgets.

Councils are given a free hand in respect of their budgets, subject only to the conditions—

(1) that, in all cases they must maintain a minimum balance to be fixed by Government, and

(2) that, in the case of *indebted* municipalities the Government must be satisfied that adequate provision has been made for meeting their liabilities.

It is expressly laid down that no material alteration should be made in budgets of councils, without giving them an opportunity of stating their objection,

Elections.

A special section of the Bill is devoted to elections—the qualifications and disqualifications of voters and candidates. A defect often noticed in the existing Act that it does not deal effectively with corrupt practices at elections has been rectified by the insertion of clauses on 'election offences' (clauses 50–57 of the Bill).

Powers of regulation and control over sanitation and administrative powers.

Chapter IV of the Act has been completely redrafted with a view to enable corporations to deal adequately with drainage and water-supply, insanitary houses, overcrowding, factories, the breeding places of mosquitoes and the problems of town improvement. Parts IV to VI of the Bill follow substantially the corresponding parts in the City Municipal Bill. The Madras City Municipal Act, 1884, and the Madras District Municipalities Act, 1884, were drawn up at the same time and on the same models and most of the provisions were similar. Since then, the District Municipalities Act has been amended piecemeal, while the City Act underwent a complete revision in 1904. It has now been decided that the District Municipalities Act should also be subjected to complete revision and the revision has in general followed that of the City Act as made in 1904 and carried further in the City Act, 1919.

The portion of the Act describing the objects on which municipal funds may be spent has been amplified to enlarge the powers of corporations in matters of town improvement, town extension, municipal trading, etc.

Part II of Schedule IV—Audit and Surcharge.

Provisions have been inserted, on the recommendation of the committee, with the object of introducing with suitable modifications the English system of surcharge by auditors and the summary recovery of the amounts surcharged.

MUHAMMAD HABIBULLAH.

No. 3 of 1919.

A Bill to amend the Malabar Land Registration Act, 1895.

WHEREAS it is expedient to amend the Malabar Land Registration Act, 1895; It is hereby enacted as follows:—

1. This Act may be called the Malabar Land Registration Amendment Act, 191 .

2. For section 14 of the Malabar Land Registration Act, 1895, the following shall be substituted:—

"14. Notwithstanding anything contained in this Act or in Regulation XXVI of 1802, the Collector may, on the application of the registered proprietor of an estate or of any person entitled to occupy such estate, register as occupant jointly with such proprietor (i) any person who is entitled by virtue of any contract with the proprietor or his predecessor in title to occupy such estate or (ii) any person who is bound by a contract with the proprietor or his predecessor in title to pay to Government the land revenue assessment on such estate. Provided that before ordering joint registration as aforesaid the Collector shall give notice to the proprietor or to the person entitled to occupy as the case may be and consider his objections. The Collector shall state in his order the period for which such joint registration shall be in force, which period shall not extend beyond the date of the termination of the contract referred to in this section."

3. The following shall be inserted as section 22 of the Act:—

"The Local Government may by notification empower any officer to exercise all or any of the powers of a Collector under this Act."

STATEMENT OF OBJECTS AND REASONS.

In Malabar the assessment due to Government on a land is usually paid by the tenant. In view of this fact, provision was made in section 14 of the Malabar Land Registration Act, 1895, for the registration of the jenmi and the tenant as joint pattadars. But the usefulness of the section is seriously restricted by its three conditions, namely (1) the application for joint registration must emanate from the registered proprietor; (2) the person entitled to occupy an estate must consent in writing to such registration; and (3) the agreement to occupy, which should be in writing, should be for a period of not less than five years. Nearly two-thirds of the revenue collected in the district is paid by tenants who hold no pattas, and often do not know the amount of the assessment due on their lands; so that they are unable to resist unfair demands for payment of land revenue. Even when they have paid the assessment due by them, they have no security that their crops and the lands in their occupation will not be sold for arrears which have accrued on lands not in their occupation and for which they are not responsible. Jenmis, too, are liable to demands for assessment which their tenants ought to have paid. With a view to remedy the grievances of the jenmis as well as of the tenants, and to improve the system of land registry in Malabar, it is proposed to remove the conditions in section 14 of the Act specified above.

At the same time it is proposed to take power to entrust the work of making the joint registry to selected subordinates of the Collector.

C. G. TODHUNTER.

(By order of His Excellency the Governor in Council.)

L. A. CAMMIADE,
Acting Secretary to Govt., L. & M. (Legislative) Dept.

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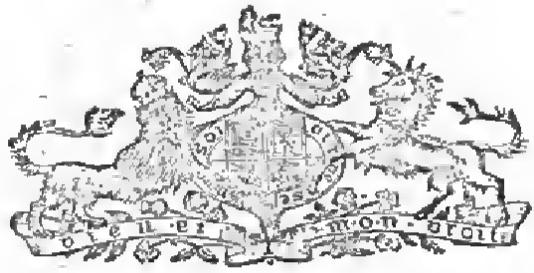

ഫോർട്ട് സെൻറ് ജോർജ് ഗസറ്റ്

മെക്സ്ട്രാഡിനറി

IV-ാം ഭാഗത്തോടുചേർത്ത സപ്ലിമെൻറ്

SUPPLEMENT TO PART IV OF THE FORT ST. GEORGE GAZETTE, EXTRAORDINARY.

NOVEMBER 3, 1919.

നമ്പർ 88.] കലിയുഗം: മിഥുനം 1919 നവംബർ 3-നു. [വില, 3 അണ

മദിരാശി ഗവൺമെണ്ട് ബിൽ
BILL OF THE GOVERNMENT OF MADRAS.

നിയമങ്ങളും ചട്ടങ്ങളും ഉണ്ടാക്കുവാനുള്ള മദിരാശി ഗവൺമെണ്ടിനുടെ അധികാരം സംബന്ധിച്ചു കൊണ്ടുവരുവാനുള്ള ബിൽ.

ആലോചന സൗകര്യാർത്ഥം പ്രവൃത്തി നടത്തുവാനുള്ള ചട്ടങ്ങളിലെ 38-ാം ചട്ട പ്രകാരം താഴെ പറയുന്ന ബിൽ ഉടൻശകാരണങ്ങളുടേ വിവരണത്തോടുകൂടി എല്ലാ വരും അറിവാനായി പ്രസിദ്ധപ്പെടുത്തിയിരിക്കുന്നു:—

No. 3 of 1919.

1919 ലെ 3-ാം നമ്പർ.

A BILL TO AMEND THE MALABAR LAND REGISTRATION ACT, 1895.

1895 ലെ മലബാർ നിലം രജിസ്റ്റർ ആക്ട് ഭേദപ്പെടുത്തുവാനുള്ള ഒരു ബിൽ.

1895 ലെ മലബാർ നിലം രജിസ്റ്റർ ആക്ട് ഭേദപ്പെടുത്തുന്നതു യുക്തമായിരിക്കയാൽ ഇതിനാൽ താഴെപറയുംപ്രകാരം നിയമിച്ചിരിക്കുന്നു:—

ചുരുക്കപ്പേർ.

1. ഈ ഭേദഗതിനിയമം മലബാർ നിലം രജിസ്റ്റർ ആക്ട് ഭേദപ്പെടുത്തുന്ന 1895 ലെ ആക്ട് എന്നു പേർപറയാം.

1895 ലെ മലബാർ നിലം രജിസ്റ്റർ ആക്ട് 14-ാം വകുപ്പു ഭേദപ്പെടുത്തൽ.

2. 1895 ലെ മലബാർ നിലം രജിസ്റ്റർ ആക്ട് 14-ാം വകുപ്പിനുപകരം താഴെപറയുന്നതു ചേർക്കണം:—

"14. ഈ ആക്ടിലൊ 1802 ലെ 26-ാം നമ്പർ റഗുലേഷനിലൊ എന്തുതന്നെ അടങ്ങിയിരുന്നാലും ഒരു സ്വത്തിന്റെ രജിസ്റ്റർചെയ്ത ഉടമസ്ഥനൊ ആ സ്വത്തു കൈവശപ്പെടുവാൻ അവകാശമുള്ള വല്ല ആളൊ അപേക്ഷകൊടുത്താൽ (1) ഉടമസ്ഥനുവേണ്ടിയൊ അയാളുടെ ഉൻ അവകാശിയുമായൊ ചെയ്തിരിക്കുന്ന വല്ല കരാറുപ്രകാരം ആ സ്വത്തു കൈവശം വെപ്പാനവകാശമുള്ള വല്ല ആളുടെയൊ (2) ഉടമസ്ഥനുമായൊ അയാളുടെ ഉൻ അവകാശിയുമായൊ ചെയ്തിരിക്കുന്ന ഒരു കരാറുപ്രകാരം ആ സ്വത്തിന്മേൽ കെട്ടിയിടു

ക്കണം നിലനികുതി കൊടുപ്പാൻ നിബന്ധിതനായിരിക്കുന്ന വല്ല ആളുടെയോ ആ ഉടമസ്ഥനോടുകൂടെ കൈവശക്കാരനെന്ന നിലയിൽ കൂട്ടായി രജിസ്റ്റർ ചെയ്യാവുന്നതാകുന്നു. എന്നാൽ മേല്പറഞ്ഞപ്രകാരം കക്ഷികൾ കൂട്ടായി രജിസ്റ്റർ ചെയ്വാൻ കല്പിക്കുന്നതിനു മുമ്പെ അങ്ങനെയുള്ള സംഗതിപോലെ ഉടമസ്ഥനൊ കൈവശംവെക്കുവാൻ അവകാശമുള്ള ആരെ കൊണ്ടെങ്കിലുമൊ കൊടുക്കേണ്ടതുള്ളതും അവരുടെ വിരോധാക്ഷേപങ്ങളെപ്പറ്റി ആലോചിക്കേണ്ടതുമാണ്. അങ്ങിനെ കൂട്ടായി രജിസ്റ്റർ ചെയ്യുന്നതിന് എതുകാലത്തുണ്ടാകുന്ന പ്രാബല്യമുള്ളതായിരിക്കുമെന്നു കലക്ടർ അദ്ദേഹത്തിന്റെ കല്പനയിൽ പറയേണ്ടതും ആ കാലം കരം വകയ്പിൽ ചേരുന്ന കരാറ് അവസാനിക്കുന്ന തീയതിക്കുമുമ്പു കവിഞ്ഞുകൂടാത്തതുമാകുന്നു.

3. താഴെ കാണുന്നവ ആക്ടിന്റെ 22 - ാം വകുപ്പായി ചേർക്കണം:—

"൨൨ ആക്ട് പ്രകാരം കലക്ടർക്കുള്ള അധികാരങ്ങൾ എല്ലാമോ വല്ലതുമോ നടത്തുവാനായി വല്ല ഉദ്യോഗസ്ഥനേയും തദ്ദേശ ഗവർന്മെണ്ട് പൊതുസംബന്ധമായ അധികാരപ്പെടുത്തുവാനുണ്ടെങ്കിൽ".

ഉദ്ദേശകാരണങ്ങളുടെ വിവരണം.

ഒരു നിലത്തിന്മേൽ ഗവർന്മെണ്ടിനു ചെയ്യുവാനുള്ള നികുതി മലബാറിൽ സാധാരണയായി കടിയാൻ അടച്ചുവരുന്നു. ഒരു സംഗതി അടിസ്ഥാനപ്പെടുത്തി ഉടമ്പടിയും കടിയാനെയും കൂട്ടി പട്ടയക്കാരായി രജിസ്റ്റർ ചെയ്വാൻ 1895 ലെ മലബാർ നിലം രജിസ്റ്റർ ആക്ട് 14 -ാം വകുപ്പിൽ നിയമിച്ചിട്ടുണ്ട്. എന്നാൽ (1) കൂട്ടായി രജിസ്റ്റർ ചെയ്യുന്നതിനുള്ള അപേക്ഷ രജിസ്റ്റർ ചെയ്യിരിക്കുന്ന ഉദ്യോഗസ്ഥൻ ചെയ്യേണ്ടതുണ്ടൊന്നും (2) സ്വത്തു കൈവശംവെപ്പാൻ അവകാശമുള്ള ആരും അങ്ങിനെ രജിസ്റ്റർ ചെയ്യുന്നതിനു മുമ്പായി മേലാൽ സമ്മതിക്കേണമെന്നും (3) സ്വത്തു കൈവശം വെക്കുന്നതിനുള്ള കരാറു മുഴുവനുമായിട്ടോ ഭാഗം ഇങ്ങനെയൊക്കുന്നതിൽ കരയാതെ കണ്ടുള്ള ഒരു കാലാവധിക്കുള്ളതായിട്ടോ നിശ്ചയിക്കേണമെന്നുള്ള ഒരു വകുപ്പിലെ ഉണ്ണി നിബ്ബന്ധങ്ങൾ ഹേതുവായി അനുകൊണ്ടുള്ള ഉപയോഗം അത്യധികം ക്ലേശപ്പെടുത്തിയിരിക്കുന്നു. ഒരു ഡിസ്ട്രിക്ടിൽ വസ്തുവകകളുടെ നികുതിയിൽ ഉന്നിൽ ഏകദേശം നൂറു മാഗാണം പട്ടയങ്ങളില്ലാത്തവയും അവരുടെ നിലമുള്ളിന്മേൽ ചുമത്തിയിരിക്കുന്ന നികുതിസംഖ്യ ഇന്നതെന്നു പലപ്പോഴും നിശ്ചയമില്ലാത്തവരായ കടിയാന്മാരാണു് അടച്ചുവരുന്നതു്. അതിനാൽ നിലനികുതി അടക്കുന്നതിനു ന്യായമായി അവരോടു് ആവശ്യപ്പെടുന്നതിനെ തടുക്കുന്നതിനു അവർക്കു നിശ്ചയിയില്ലായ്മയുണ്ടാകുന്നു. അവർ അടുക്കുന്നതായ നികുതി അവരടച്ചിരിക്കുമ്പോഴും കൂടി അവരുടെ കൈവശത്തിലില്ലാത്ത നിലങ്ങളിന്മേൽ കൂടിയിരിക്കുന്നതും അവർ ഉത്തരവാദികളല്ലാത്തതുമായ നികുതി ബാക്കിക്കു വേണ്ടി അവരുടെ വിളവുകളും അവരുടെ കൈവശമുള്ള നിലങ്ങളും വിറ്റുപോകുന്നതുമല്ലാതെ അവർക്കു യാതൊരു മാർഗ്ഗവുമില്ല. കടിയാന്മാർ അടക്കുവാനായ നികുതി അടപ്പാൻ ജന്മികളുടെ ആവശ്യപ്പെടാറുണ്ടു്. ജന്മികളുടെയും കടിയാന്മാരുടെയും സംബന്ധങ്ങൾക്കു നല്ല നിയമത്തിലുണ്ടാക്കുന്നതിനും മലബാറിൽ നിലങ്ങൾ രജിസ്റ്റർ ചെയ്യുന്ന സമ്പ്രദായത്തെ പരിഷ്കരിക്കുന്നതിനും വേണ്ടി മേല്പറഞ്ഞ ആക്ടിലെ 14 - ാം വകുപ്പിലുള്ള നിബ്ബന്ധങ്ങളെ നീക്കിക്കളയുവാൻ നിശ്ചയിച്ചിരിക്കുന്നു.

അതേ സമയം തന്നെ, കൂട്ടായി രജിസ്റ്റർ ചെയ്യുന്ന പ്രവൃത്തി കലക്ടരുടെ കീഴുദ്യോഗസ്ഥന്മാരിൽ ഇതിലേക്കായി നിശ്ചയപ്പെടുത്തപ്പെടുവാൻ എഴുതിച്ചുകൊടുപ്പാനുള്ള അധികാരം ഒഴിക്കുവാൻ ആലോചിച്ചിരിക്കുന്നു.

സി. ഒ. ടാഡന്റെർ,

എന്നു. വി. കുരുവിയാകൻ,
ഗവർന്മെണ്ടു് അക്കൗണ്ട് ഓഫീസർ,
എക്സ്. ഓഫീ. എം. (നിയമനിർമ്മാണം) ഡിപ്പാർട്ടുമെണ്ടു്.

(A true translation)

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Acting Malayalam Translator to Government.

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